CAMERA

REGIS,

Or, A

SHORT VIEW

Of

LONDON.

Containing the Antiquity, Fame, Walls, Bridge, River, Gates, Tower, Cathedral, Officers, Courts, Customs, Franchises, &c. of that *Renowned* City.

Collected out of Law *&* History *and* methodized *for the Benefit of the present Inhabitants.*

By *JOHN BRYDALL*, Esq;

Imperium Regis { Salus / Decus } *per* { *quam* / *quod* } *Civitas* { *Subsistit* / *Floret* }

LONDON,
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TO THE

LOYAL LONDONERS.

SIRS,

THE *subject of this smal* Treatise *may justly intitle its self to your* Patronage; *for seeing some* Circumstances, *relating to* renowned London *fill up the ensuing Sheets, the* Dedication *thereby becomes no less an*

act of Juſtice, *then* Civility. *Under whoſe protection indeed ought any thing, reſpecting the Honor of this* Metropolis *ſee the Light, but under* yours!

But beſides the Conſideration of your intereſt, *the knowne Candor, and Ingenuity, the worth, and Endowments of your* now Lord Mayor, *of his immediate, and others his* Predeceſſors, *ſince his* Majeſties Reſtauration, *doe not only invite, but command all ingenuous Addreſſes*

dreſſes, as muſt be confeſſed by every one, who has had the leaſt Taſte of their generous, and obliging Converſation.

And though what is here preſented, be of no Conſiderable worth, yet your Acceptance *thereof, will inhaunce its value, And ſo* recommend it *to the world, as that it will be loath to cenſure, what you have once deigned to* approve, *not to be too troubleſome, My Aim in the* Publication, *is the benefit of you, the pre-*

ſent Inhabitants; *And my Ambition in the* Dedication, *is to give the world a* Teſtimony, *that I am,*

SIRS,

Whitehal 15. *Nov.* 1675. Your moſt Obliged Servant

JOHN BRYDALL.

CAMERA REGIS:

OR,

A VIEW OF LONDON.

BEfore I come to preſent the Courteous Reader a view of the moſt renowned City of *London*, it will not be much amiſs to premiſe ſomewhat, concerning the Deſcription of the words, *Civitas*, *Urbs*, *Oppidum*, &c. The definition of a City, and a Corporation; the Commencement of Corporations, the Cauſes, why Cities were at firſt inſtituted, and laſtly the number of Cities within this Realm.

1. *Of the words* Civitas, Urbs, *and* Oppidum.

THe ſame place (ſayes one) is called *Urbs*, *Civitas*, and *Oppidum*; it is called *Civitas* in regard that it is governed in juſtice; and order of Magiſtracy: *Oppidum*, for that there are therein great plenty of Inhabitants; and *Urbs*, becauſe it is in due form begirt about with Walls.

Latches Reports Le Roy verſ. Mayor of Oxford.

The Walls, ſayes another, do not make the City, but the Men; *Mœnia, & Edificia faciunt urbem, homines faciunt Civitatem.*

Co. Littl. 109. 8.

Civitas and *Urbs*, ſayes a third Perſon, *in hoc differunt, quod incolæ dicuntur Civitas; Urbs verò complectitur ædificia*, but with us, the one is commonly taken for the other.

D. 50. 16 2. *de verborum ſignif.*

In the Civil Law we find it thus written, touching *Urbs* and *Roma*. *Urbis appellatio muris* : Romæ *autem continentibus ædificiis finitur, quòd latiùs patet.*

D. 50. 16. 87.

Ut Alfenus *ait*, *Urbs eſt* Roma, *quæ muro cingeretur.* Roma *eſt etiam, qua continenti ædificia eſſent. Nam* Romam *non muro tenus exiſtimari, ex conſuetudine cotidianâ*

tidiana posse intelligi, cum diceremus Romam *nos ire, etiam si extra urbem habitaremus.*

2. *What a City, what a Corporation is.*

A City, in Latine *Civitas*, and in Greek πόλις, is a Borough incorporate, which hath, or have had a Bishop; and though the Bishopwrick be dissolved yet the City remaineth: And therefore in 35. *Eliz. c. 6. Westminster* is called a City, notwithstanding that now it hath no Bishop; and in 27. *ejusdem Cap.* 5. (of Statutes not in print.) *Westminster* is alternatively called a City or Borough. It appeareth by the Statute of 35. *H.* 8. *c.* 10. That then there was a Bishop of *Westminster*. *Co Littl. f.* 109. *b.*

Grotius thus defineth a City, *Civitas est cœtus perfectus liberorum hominum, juris fruendi, & communis utilitatis Causa sociatus*; hence *Civitas* is, *quasi Civium unitas*. *Lib. 1. c. 1. nu.* 14. *de jure belli ac pac.*

It is said before, that a City is a Borough, or Town incorporate, now a Corporation is a permanent thing, that may have succession: And it is an Assembly, and joyning together of many

into one Fellowship, Brotherhood, or mind; whereof one is Head and Chief, the rest are the *Body*, and this Head and Body knit together, make the Corporation.

3. *How a Corporation doth commence.*

Co. Lit. 250. a. A Corporation, or Body incorporated, may commence and be established three manner of wayes, *viz.* by Prescription, by Letters *Patents*, or by Act of Parliament: and let the Body incorporate commence which way it will, it must be first derived from the Royal *Authority* and License of the Kings of *England*: For without it Corporations, be they Spiritual or Temporal, are meer chymæra's, fictitious, and illegal Societies, erected contrary to the Laws and Constitutions of the Kingdom. In proof of this matter, *vide* 9. *H.* 6. 16. *b. Co. Lib.* 4. *Adams* and *Lamberts* Case, *fol.* 107. *b. Co.* 3. *Inst.* 202. 49. *Ass. pl.* 8. *le Case de Whittawers. Co. lib.* 8. *f.* 125. the Case of *London*. With our Law doth concur the Laws Imperial.

Co. lib. 10. 33. b. 49. E. 3. 4.

D. 3. 4. 1. *Collegia* Romæ *certa sunt, quorum corpus*

*corpus Senatusconsultis, atque constitutionibus principalibus confirmatum est: veluti pistorum, & quorundam aliorum, & navicularioru*m, *qui & in provinciis sunt.*

Collegia siqua fuerint illicita mandatis, & constitutionibus, & Senatusconsultis dissolvuntur. In summa nisi ex Senatusconsulti auctoritate, vel Cæsaris, *Collegium, vel quodcunque tale corpus coierit, contra Senatusconsultum, & mandata, & constitutiones Collegium celebrant.* D. 47. 22. 3.

Note, *London*, our famous City, is a Corporation by prescription. *Co. 2. Inst. f. 330.*

4. *How Corporations are divided in our Law.*

EVery Body politick, or Corporation, is either Ecclesiastick or Lay: *Ecclesiastical*, either regular, as Abbots, Priors, *&c.* or secular, as Bishops, Deans, Archdeacons, Parsons, Vicars, *&c. Lay*, as Mayor and Commonalty, *B*ayliffs and *B*urgesses, &c. *Co. Lit. f. 250. a.*

Also every Body politick, or Corporate, is either elective, representative, collative, or donative. *Co. lib. 3. f. 73. in the Case of the Dean and Chapter of* Norwich.

And again it is either sole, or agregate of many.

This Body Politick or Corporate, aggregate of many, is by the Civilians called *Collegium Universitas, Collegium sodalitium,* and *Municipium.*

5. *Why Cities were at first instituted.*

IN the time of *William* the Conquerour it is declared in these words, *Item nullum mercatum vel forum sit, nec fieri permittatur nisi in Civitatibus regni nostri, & in* Burgis *clausis, & muro vallatis & Castellis, & locis tutissimis, ubi consuetudines regni nostri, & jus nostram commune: & dignitates Coronæ nostræ, quæ constitutæ sunt à bonis prædecessoribus deperire non possunt, nec defraudari, nec violari; sed omnia rite, & per judicium, & justitiam fieri debent: & ideo Castella & Burgi & Civitates sunt & fundata, & ædificatæ,* &c. *ad Tuitionem gentium, & populorum regni, & ad defensionem regni, & idcirco observari debent cum omni libertate, & integritate, & ratione.*

Out of this same Record we may pellucidly and clearly collect, that Cities, Towns or Boroughs were instituted for three purposes. *Sc.* First

First, *Ad consuetudines regni nostri, & jus nostrum commune & dignitates coronæ conservand.*

Secondly, *Ad Tuitionem gentium, & populorum regni*; and

Thirdly, *Ad Defensionem Regni*; This in three particularities.

1. For conservation of Lawes, whereby every man enjoyeth his own in peace.

2. For Tuition and defence of the Kings Subjects, and for keeping the Kings peace in time of sudden uproars.

3. For defence of the Realm against outward and inward Hostility.

Thus much out of our own Records, I now come to speak somewhat of this matter, that I have seen in foreign Authors.

Tully sayes thus, *Hanc ob Causam maximè, ut sua tenerentur Respublica & Civitates constitutæ sunt, nam etsi, duce natura, congregabantur homines, tamen spe Custodiæ rerum suarum urbium præsidia quærebantur.* Lib. 2 de Offic.

Aristotle thus, *Civitas a natura profecta est, homo animal aptum est ad cœtus proinde Civitatis Origo ad vivendum, in-* 1 Pol. 2.

stitutio ad bene vivendum refertur.

In Pol. Arist. lib. 3. *Donatus Acciaiolus* speaks in this manner; *Civitas constituitur, aut propter possessiones, aut ut simul vivatur, ut aut contrahat Societatem belli causa, ut propter commercia, aut propter felicitatem, & bonam vivendi rationem.*

By these authorities, foreign and domestick, it appears, that Cities, and Towns, were at the first invented, to the end that men might lead a civil Life amongst themselves, and be saved harmless against their Enemies.

6. and lastly, The number of Cities in this our Kingdome.

Cassaurus writeth, that *France* hath within the Territories thereof 104. Cities, and he giveth this reason of that his saying, because that there are so many Sees of Arch-bishops and *Cō. Lit. f.* 109. 6. Bishops: So say we, that there be within *England*, two Archbishopwricks and 23 other Bishopwricks, therefore so many Cities there be, and *Westminster*, and my Lord *Cokes Alma Mater*, being added, there are in all within *England* 27 Cities,

Thus

Thus much for Cities and Towns in general. I now purpose to speak more particularly concerning the renowned City of *London*: in relation to which famous Metropolis, I shall presume to offer the Reader these particulars,

1. The Origination, or Etymology of the word *London*. 2. Its several Appellations. 3. The Antiquity of this City. 4. Its Fame for Trade and Trassique. 5. The honourable Titles that have been and are given to it. 6. The walls thereof. 7. Its River. 8. Its Bridge. 9. Its Gates. 10. Its Tower. 11. Its Cathedral. 12. Its Division and Extent for the better Government thereof. 13. The Reason, why the Archbishop never makes any Visitation in *London* Diocess. 14. Its Governours and Officers. 15. Its several Courts. 16. Its Customes. 17. and lastly, The Liberties, Franchises, and single Rites of this most glorious City.

SECT.

SECT. I.

Of the Origination or Etomology of the word London.

TOuching the name of *London*, from what occasion the City should be so denominated, divers Authors conceit diversly.

Some are of opinion, that *London* took the name of *Ludstone*; for King *Lud* not onely repaired this City, but also increased the same with fair buildings, Towers, and Walls, and after his own name, called it *Cair Lud*, *i. e.* the Town of *Lud*, and the strong Gate, which he erected, in the west part of the City, he likewise for their own honour and reputation named it *Ludgate*.

Others say, it is so called from the word *Llhwn*; for seeing *Cæsar*, and *Strabo* do write, that the ancient Britains called those woods, and Groves by the names of Cities, and Towns which they had fenced with Trees, cast down and plashed, to stop up the passages; and seeing that such Woods or Groves are in the *Britrish* tongue named *Llhwn*, they are inclined to the opinion, that *London*

don thence took name, as one would say, by way of excellency, the City, or a City thick of Trees.

Again, Others are of opinion (which seemeth to be the most probable) that whence *London* had the name, there also it took the name, even from Ships which the Brittains in their dialect call *Longh*; so that *Londinum* may seem to sound as much as a Ship Road, or City of Ships: for the Brittains term a City *Dinas*, whence the the Latines have fetch'd their *Dinum*. And hence it is, that elsewhere it is called *Longidinum*, and in the Funeral Song of a most ancient Brittish Poet, *Llong Porth*, that is an Harbour or Haven of Ships: And by this very term *Bononia*, or *Bolea* in *France*, which *Ptolomy* calleth *Gessoriacum Novale*, in the Brittish Glossary is named *Bolung-Long*. For many Cities have drawn their names from Ships, as *Naupactus*, *Naustathmas*, *Nauplia*, *Navalia Augusti*, &c. But of these none hath better right indeed to assume unto it the name of a Ship Road or Haven, than our *London*, as you shall understand at after. See more of this business in *Hollinshead*, *Stow*, *Geoffry* of *Monmouth*, and *Cambden*.

SECT.

SECT. II.

Of the divers Appellations of this glorious City.

TAcitus, *Ptolomy*, and *Antonine* call it *Londinium*, and *Longidinium*; *Ammianus*, *Lundinum*, and *Augusta*; *Stephen* in his Cities Λονδόνιον; our *Britains*, *Lundayne*; the old *Saxons*, *Londen*, *Lunden-ceaster*, *Lunden-berig*; Strangers *Londra*, and *Londres*; the Inhabitants *London*; Fabulous Writers *Troia Nova*, *Tronovant*, or *Trenovant*, that is, *New Tory*; *Dinas Belin*, that is *Belius City*, and *Caer Lud* of King *Lud*; and *Cæsar* in his Commentaries stiled it *Trinobantum civitas*.

SECT. III.

Of the Antiquity of this renowned City.

FOr proof of the Antiquity of this City, I shall produce some known, and approved Writers, as *Herodian*, *Ammianus Marcellinus*, *Fitz Stephen*, *Stow*, &c.

1. *Herodian* sayes thus, in the Life of *Severus* the Roman Emperour; *Londinum est*

est urbs magna, & opulenta.

2. *Ammianus Marcellinus*, an Author above 1200 years since, calleth it *Vetustum Oppidum.*

3. *Fitz Stephen* telleth us, that this City of *London* far exceeds *Rome* in Seniority; his words are these, *Hæc civitas urbe* Roma, *secundum Chronicorum fidem, satis antiquior est*, &c.

4. *Stow* in his Survey of *London* saith, that as the Romans to glorifie the City of *Rome*, drew the original thereof from gods, and Demy-gods, by the Trojan Progeny: So *Geoffry* of *Monmouth*, the Welsh Historian, deduceth the foundation of this famous City of *London*, for the greater glory thereof from the very same original. For he reporteth, that *Brute*, lineally descended from the Demy-god *Æneas*, the Son of *Venus*, Daughter of *Jupiter*, about the year of the World 2855, and 1108 before the Nativity of Christ, builded this City near unto the River now called *Thames*, and named it *Troynovant*, or *Trenovantes*.

CT.

SECT. IV.

Of the Fame of London *for Trade, and Traffique.*

HIstorians do inform us, this City hath been long since renowned for Trade and Commerce: the livelyhood of Merchants, and the life of the Commonwealth, wherein the King and every Subject hath interest; the Merchant being the good *Bayliff* of the Realm to export, and vent the native commodities of the Realm, and to import and bring in the necessary commodities for the defence, and benefit thereof.

Co. 2. *Inst.* 28.

Cornelius Tacitus, who in the dayes of *Nero*, 1540 years since, reporteth it to have been a place very famous for fresh Trade, concourse of Merchants, and great store of Victuals, and all things necessary.

London was (sayes *Bede*) a Town of Trade and Traffique a long time since frequented with many Nations, resorting thither by Sea and Land,

William of *Malmesbury* sayes, that *London* was repleniſhed with rich Citizens, and frequented with the Commerce of

of Occupiers, and Factors, coming out of all Lands.

Speed informeth us, that *London* was ever famous for concourſe of Merchants and of great renown for Proviſion of all things neceſſary in the time of *Suetonius*, *Nero's* Lieutenant here. Thus much of the antient Eſtimation of this City for Trade and Commerce.

SECT. V.

Of the Honourable Titles, that have been, and are given to this City.

IT is ſtiled the Epitome, or Breviary of all *Britain*; the Seat of the Britiſh Empire: the King of *Englands* Chamber, *Camera Regis*, *Reipublicæ Cor*, *& totius Regni Epitome*. *Camden.* *Co. 4. Inſt. 249*

Cívitas nobiliſſima, Stephanides. *Regni firmata Columna*, Stow. The moſt noble and able part of the Engliſh Empire, *Speed*. A noble and wealthy City, *William* of *Malmesbury*.

Pupilla Oculi Regis, *Cor Regni*: the Treaſure of the Kingdom, *Bulſtrode* in his Reports. *Caput Regni*, *& legum*, Lambard.

SECT.

SECT. VI.

Of the Walls belonging to this renowned City.

TOuching the Walls of *London* there are three things worthy of your Observation, *scil.*

1. The First Founder of them. *Simeon* of *Durham*, an ancient Writer, reporteth, that *Hellen* the Mother of *Constantine* the Great, was the first that inwalled this City, about the year of Christ, 306.

2. That the City was walled round about by the River of *Thames*, as appears by *William Fitz Stephen*, who writing in the Reign of King *Henry* 2. and writing of the Walls of this City, hath these very words. *Muro Urbis alto & magno, duplatis Heptapylæ portis inter continuante, turrito ab Aquilone per inter capedines. Similiterq; ab Austo* Londonia *muratа, & Turrita fuit; sed fluvius maximus piscosus* Thamensis, *mari influo, refluoq; qui illic allabitur, mœnia illa tractu temporis allùit, labefactavit, dejecit*: The Wall is high, and great, well towred

red on the North side, with due distances between the Towers. On the South-side also the City was walled, and towred, but the fishful River of *Thames* with his ebbing, and flowing, hath long since subverted hem.

3. The circuit of the wall on the Lands side. *Stow* tells us, that the circuit of the wall of *London* on the Lands side, to wit, from the Tower of *London* in the East, unto Aldgate is 82. perches: from Aldgate to Bishopsgate, 86. perches: from Bishopsgate, to the postern of Criplegate 162. perches: from Criplegate to Aldersgate, 75. perches: from Aldersgate to Newgate 66. perches: from Newgate to Ludgate, 42. perches, in all 573. perches of Assize. From Ludgate to the Fleet-Dike, west, about 60. perches: from Fleete-Bridge South to the River *Thames*, about 70. perches; and so the total of these perches amounteth to 643. every perch consisting of 5. yards, and a halfe, which do yield 3536. yardes, and a half, containing 10608. foot, which make up two English miles, and more by 608. foot.

SECT. VII.

Of the River of Thames.

TOuching the River of *Thames* accept the writings of *Cambden*, *Stow*, and of one that wrote in defence of this famous City.

Cambden sayes, that in regard of both Elements most blessed and happy is *London*, as being seituate in a rich and fertile soyl, abounding with plentiful store, of all things, and on the gentle ascent and rising of an hill, hard by the *Thames* side, the most mild mercham, as one would say, of all things, that the world doth yield; which, swelling at certain set houres, with the Ocean Tides, by his safe and deep Channel, able to entertain the greatest ships that be, daily bringeth in so great Riches from all parts, that it striveth at this day with the Mart-Towns of Christendome for the second prize, and affordeth a most sure, and beautiful road for shipping.

Stow sayes thus of *Thames*; *Thames* the most famous River of this Island, beginneth a little above a village called *Winchcombe* in *Oxford* Shire, and still increasing

increasing passeth first by the Universitty of *Oxford*, and so with a marvellous quiet course to *London*, and thence breaketh into the French Ocean by main Tides; which twice in 24. hours space doth ebbe and flow, more then 60. miles in Length to the great commodity of Travellers, by which all kind of Merchandize be easily conveyed to *London*, the principal store house, and staple of all Commodities within this Realm, so that omitting to speak of great Ships, and other Vessels of Burthen, there pertaineth to the Cities of *London*, *Westminster*, and the Borough of *Southwarke*, above the number, as is supposed of 2000. Wherries, and other small boats, whereby 3000. poor people at the least be set on work, and maintained.

The Anonymous Authour hath these words; this Realm hath only three principal Rivers, whereon a Royal City may well be scituated; *Trent* in the North, *Severne* in the South-west, and *Thames* in the South-east: of the which *Thames* both for the streight course in length reacheth furthest into the belly of the Land, and for the breadth and stillness

of the water is moſt navigable up, and down the ſtream: by reaſon whereof *London* ſtanding almoſt in the middle of that courſe, is more commodiouſly ſerved with proviſion of neceſſaries, than any Town ſtanding upon the other two Rivers can be, and doth alſo more eaſily communicate to the reſt of the Realm the commodities of her own enter-courſe, and Traffique. Thus much for the honour of the River of *Thames*.

SECT. VIII.

Of London *Bridge.*

London Bridge was firſt made of Timber, and maintained partly by the proper Lands thereof, partly by the liberality of divers perſons, and partly by Taxations in divers Shires, for the ſpace of 215. years before the Bridge of ſtone was builded; which Bridge of ſtone was 33. years in building: A work very rare, having with the Draw-Bridge, 20. Arches made of ſquared ſtone of height 60. foot, and in breadth 30. foot, diſtant one from another 20. foot, compact, and joyned together with vaults and ſellars, upon both

both sides be houses builded, so that it seemeth rather a continual street, then a bridge; for the fortifying whereof against the incessant assaults of the River it hath Overseers, and Officers, viz. Warders, and others.

SECT. IX.

Of the Gates of this præcellent City.

LEt us now come to the Gates of this City. *Cambden* in his *Britannia* speakes thus of them: On the West-side, sayes he, there be two: to wit, Lud-gate of King *Lud*, or Flud-gate, as *Lelandus* is of opinion, of a little flood, running beneath it, built again of Late from the very foundation: and New-gate, the faireſt of them all, so called of the newneſs thereof, whereas before it was termed Chamber-Laugate, which also is the publique Goal or Prison. On the North-side are four, Alders-gate of the Antiquity, or as others would have it, of *Aldrich* a Saxon.

Lud gate

New-gate

Alders-gate.

Criple-gate, of a Spittle of Lame Creeples somtimes adjoyning thereunto.

Creeple-gate.

Moore-gate of a Moory ground hard by, now turned into a field, and plea-

Moore-gate.

sant walks; which gate was first built by *Falconer*, Lord Mayor in the year of our Lord 1414.

Bishopsgate of a *Bishop*, which gate the Dutch Merchants of the stilyard were bound by Covenant both to repair, and also to defend at all times of Dauger, and extremity. *Bishops-gate.*

On the East side there is Ald-gate alone, so named of the oldness or Elbe-gate, as others terme it, which at this present is by the Cities charge re-edifyed. *Ald-gate.*

It is thought (sayes he) that there stood by the *Thamis*, beside that on the Bridge, two Gates more, namely, Belins-gate, a wharfe now, or a Key for the receipt of Ships, and Doure-gate, that is, the Water-gate, commonly called Dow-gate. *Belins-gate.* *Dow-gate*

These Gates in Latine are called *portæ à portando*, from carrying, and lifting the plough; and it was upon this occasion: In the building of Cities, the founders thereof did usually consult with their Gods in their Augural Observations; after which observations, they marked out the place, where the Wall of the City should be built, *Godw. Antiq. lib. 1. sect. 1. c. 7.*

built, by plowing up the ground; and because they left that space of ground unplowed, lightly lifting the plow over it, where they appointed the gate of the City, thence *à portando*, from carrying, and lifting the plough, they called the Gate *Porta*.

Both the Gates, and Walls of Cities were looked upon as sacred things among the *Romans*; for the Civil Law Text speakes thus;

Sanctæ res veluti murî, & portæ Civitatis, quodammodo Divini Juris sunt; & ideo nullius in bonis sunt. Ideo autem muros sanctos dicimus, quia pœna capitis constituta est in eos, qui aliquod in muros deliquerint. Vide D. 1. 8. 11. Siquis muros violaverit. *Just. 9. 2. 10.*

SECT. X.

Of the Tower of London.

FOr the Description, and use of this Tower we shall make bold with *Cambden*, and *Stow*.

The former describes it after this manner, It is a most famous, and goodly Citadel, encompassed round, with thick and strong walls, full of lofty, and *Cambden.*

ſtately Turrets, fenced with a broad, and deep ditch, furniſhed alſo with an Armory, or Magazin of Warlike Munition, and other Buildings beſides: ſo as it reſembleth a big Town.

The latter ſayes thus; This Tower is a Citadel to defend, or command the City: a Royal place for Aſſemblies, and Treaties. A Priſon of eſtate, for the moſt dangerous offenders: the only place of Capnage for all *England* at this time: the Armory for Warlike proviſion: the Treaſury of the Ornaments, and Jewels of the Crown, and general Conſerver of the moſt antient Records of the King's Courts of Juſtice at *Weſtminſter*. Stow.

The Chief Keeper of this ſame Fortreſs is ſtiled by the name of Conſtable; And his Deputy is called Lieutenant of the *Tower*; and at this very time, the former officer is the Right Honourable, the moſt loyal, and valiant perſon, *James* Earl of *Northampton*; the latter is the Right worſhipful, and moſt loyal perſon Sir *John Robinſon*, who has been likewiſe Lord Mayor of *London*.

SECT.

SECT. XI.

Of the Cathedral of London.

THere are worthy of our notice, in relation to the famous Cathedral Church of *London*, these five things.

1. The Founder of this Church; *Æthelbert*, King of *Kent*, under whom *Sebert* reigned in this tract of Ground, as it were his vassal and by courtesie, founded here a Church, and Consecrated it to S. *Paul*, and about the year of Christ, 610. he gave thereto Lands; and so did afterward *Athelstan*, *Edgar*, *Edward*: the Confessor, and others also. Stow.

2. The Magnificence of its Building; *William* of *Malmesbury*, informeth us; That the beauty of St. *Pauls* Church is so magnificent that it deserves, to be numbered in the Rank of excellent Edifices: so large is that arched Vault underneath, and the Church above it of such Capacity, that it may seem sufficient to receive any multitude of people whatsoever. Anno 1086.

3. The Dimensions of this Fabrick, in point of Longitude, Latitude, and Altitude.

St

St. *Pauls* Church (sayes *Cambden* out of an old writer) containeth in length 690. foot: the breadth thereof is 130. foot: the height of the west arched Roof from the ground carryeth 102. foot: and the new Fabrique from the ground, is 88. foot high. The stone work of the steeple from the plain ground riseth in height, 260. foot, and the Timber frame upon the same, is 274. foot high, &c.

Stow thus, the height of the Steeple was 520. foot, whereof the stone work is 260. foot, and the Spire was likewise 260. foot, the length of the whole Church is 240. Taylers yards, which makes 720. foot: the breadth thereof is 130. foot, and the height of the body of the Church, is 150. foot.

Now. 4. The Governors of this Church: This Church hath a Bishop, a Dean, a Præcentor, a Chancellor, and a Treasurer, five Archdeacons, *viz.* of,

London, of which place, he that now is the Archdeacon, is (my ever honoured Tutor) Doctor *Lamplugh*, Dean of *Rochester*, Prebend of *Worcester*, and one of his Majesties Chaplains in ordinary.

Middlesex.

Middlesex,
Essex,
Colchester, &
St *Albons*.

It hath likewise 30. Prebendaries, Canons 12. Vicars Corals six, &c.

Note, that the Colledge of Petty Canons there, was founded by King R. II. in honor of Queen *Anne* his wife, and of her Progenitors, in 17. of his reign. In the year 1408. the Petty Canons then building their Colledge, the Mayor, and Commonalty of this Celebrious City, granted them their water courses, and other easements. *Stow*

5. The sad Accidents, that have befaln this famous Church at several times.

In the year 1087. this Church of St *Paul* was burnt with fire, and therewith the most part of the City: which fire began at the entry of the West-gate, and consumed the East-gate. *Mauritius*, then Bishop, began therefore the foundation of a new Church of St *Pauls*.

In the year 1444. the Steeple of *Pauls* was fired by Lightning, in the midst of the shaft or spire, and in the year 1462. this Steeple was repaired, and the weather Cock again erected. In

In the year 1561. the fourth of *June*, betwixt the Hour of three, and four of the Clock in the afternoon, the great Spire of the Steeple of S. *Pauls* Church, was fired by Lightning, which brake forth (as it seemed) two, or three yards, beneath the foot of the Crosse, and from thence it brent downeward the Spire to the Battlements, stone worke, and Bells so furiously, that within the space of four hours, the same Steeple with all the Roof of the Church were consumed. After this mischance, the Queens Majesty directed her Letters to the Lord Mayor, willing him to take order for speedy repairing the same. And she of her princely, and gratious disposition, for the furtherance thereof, did presently give and deliver in gold 1000. marks, with a warrant for a thousand Loads of Timber, to be taken out of her woods or elsewhere.

Stow.

The Citizens also gave first a great benevolence, and after that 3. fifteens to be speedily paid. The Clergy of *England* likewise, within the Province of *Canterbury*, granted the fourtieth part the value of their benefices, charged with first fruits, the thirtieth part of such

such as were not so charged, but the Clergy of *London* Dioceſs, granted the thirtieth part of such as paid their fruits.

Six Citizens of *London*, and two Petty Canons of *Pauls* Church, had charge to further and over see the work.

In the year 1650. &c. It was made a ſtable for Horſes, and a Denn for Thieves, and Rebells.

In the year 1666. it was burnt again to the ground together with all the City; and there is now (this being the year 1675.) began the Foundation of a new Church of *St Paul*, ſo that the foundation of this *London* Cathedral, has been thrice laid; God Speed the work.

SECT. XII.

Of the diſtribution of this renowned City into parts, and likewiſe of its extent.

AS for the Diviſion of this City for the better Regiment thereof, I ſhall vouch three ſeveral Authors, viz. Sir *Edward Coke*, *Fitz-Stephen*, and *Stow*.

1. Sir *Ed. Coke* tells us, that in this City there are twenty and ſix wards, divided for the government of the Trenobants, or Citizens of *London*, amongſt *Ci.* 4. 248. 249.

amongst the 24. Aldermen of the City.

2. *Fitz-Steven* saith, that this City, even as *Rome*, is divided into wards; It hath yearly Sheriffs, instead of Consuls, it hath the Dignity of Senators, and Aldermen, it hath under Officers, and according to the Quality of Laws, it hath several Courts, and general, Assemblies upon appointed daies.

3. *Stow* informeth us, that this City of *London* is divided into Wards, or Aldermanries, and the number of them in *London*, were both before, and in the Reign of H. 3. twenty four in all, and in the year of Christ 1393. the 17. R. 2. *Faringdon* Ward, which was then one entire Ward; but mightily increased of buildings without the Gates, was by Parliament appointed to be divided into twaine, and have two Aldermen, to wit, *Faringdon* within, and *Faringdon* without, and so the number was 25.

Moreover in the year 1550. the Lord Mayor, Commonalty, and Citizens of *London*, purchasing the Liberties of the Borough of *Southwarke*, appointed the same to be a Ward of *London*, which

in

in all arise to the number of 26. and 26. Aldermen of *London*. 4. E. 4. 17. Cro. 3. par. Adams case. Hirke.

Note, the City of *London* is a County, and every Ward is an hundred in the County, and the Parishes are as Vills or Towns. But note likewise, that it is not necessary, that a City be a County of it selfe, as *Cambridge*, *Ely*, *Westminster*, &c. are Cities, but are no Counties of themselves, but are part of the Counties, where they be. Co. Litt. 108. b.

Thus much of the Division of this Metropolis, I now proceed, to shew, what I have found in our books of Law, touching the extent thereof. 5. E. 4. 2. 4. E. 3. 26. 11. E. 4. 5. 26.

It is said, that *London* extendeth into 2. Counties *London*, and *Middlesex*; But *sc. London* cannot joyn with *Middlesex*, or with any County in Trial. Eliz. Dyer 32. Co lib. 7. Bulwers case. 4. E. 4. 17.

Part of the Tower of *London* is within *London*, but not within the Jurisdiction of it.

The ancient Wall of *London* (saith *Coke*) extendeth through the Tower of *London*, and all that which is on the West part of the Wall, is within the City of *London*, viz. in the Parish of *Barbing*, in the ward of the Tower of *London* and all that is on the East part of Co. 3. Inst. 136. Co. 4. Inst. 251.

of the Wall is in the County of *Middlesex*. And this upon view, and examination was found *Mich.* 13. *Jac. Regis*, in the case of Sr *Thomas Overbury*, who was poysoned in a Chamber in the Tower, on the West part of that wall: And therefore *Weston*, the principal murderer, was tryed before Commissioners of *Oyer*, and terminer in *London*, and so was Sr *Gervais Elvis*, Lieutenant of the Tower, as Accessary.

SECT. XIII.

Of the reason, why the Arch-Bishop of Canterbury *never makes any visitation in* London *Dioces.*

THe reason, why the Arch-Bishop of *Canterbury* never makes any visitation in *London* Dioces, appears in one *Gobbets* Case, where it was said by Mr Justice *Jones*, that he was informed by Doctor *Ducke*, Chancellor of *London*, that there hath been for a time, a composition betwixt the Bishop of *London*, and the Arch-Bishop of *Canterbury*, that if any suit began before

before the Arch-Bishop, it shall be alwaies permitted by the Bishop of *London*; so as it is *quasi* a general Licence, and so not sued there but with the Bishops assent, and for that Reason the Arch-Bishop never makes any visitation in *London* Diocess.

Having hither-unto handled the Antiquity, Walls, River, Bridge, Gates, the Cathedral Church, the Division, Extent, &c. of this most glorious and renowned City, I am now to proceed, to speak of its Magistrates, and Officers, of its Courts, or Assemblies, its Customs, and lastly of the Franchises, Liberties, and singularities of this noble City.

SECT. XIV.

Of the Magistrates and Officers of this Precellent City.

THe Governors, and Chief Officers of this City, are these, *i.e.* The Lord Mayor, the Aldermen, the Recorder, the Sheriffs, the Chamberlain, the common Clerk, or Town Clerk, the common Sergeant. The

Coroner, the Escheater, and Constable. Of these in their order.

The Lord Mayor.

A Mayor of a Town is termed among the Latin, *Præfectus Urbis*, *Præfectus annuus Urbis*, *Præfectus Prætorio*, and *Prætor*, *quasi prætor*, *à præeunde*, *vel à præessendo*, *quod aliis præsit*, *vel quod præiret populo*.

Godw. Antiq. Lib. 3. sect. 2. c. 4, & c. 20.

Pomponius saith thus; *In Civitate Romæ duo olim fuerint Prætores*, *Urbanus & peregrinus*, *qui peregrinorum causas agebat*, *quorum hic Major unde Major dictus est*, *ille Minor*; *Prætor Urbanus*, *seu Major*, and *Prætor peregrinus*, *sive minor*. *Vide more* Godw. *Ant.* l. 3. s. c. 6.

Touching the Lord Mayor of *London* I shall present to the Reader these particularities worthy of his observation, *sc.*

1. That the Citizens, or Burgesses of *London* were before, and after the conquest, governed by Port-graves, or Port-greves, until the Reign of *Rich.* I. by whose Charter, they were governed by two Bailiffs; and yet King *R.* in the first year of his Reign appointed them a Mayor, who continued therein, until the eighth

Co. 4. Instit. 253.

eighth year of King *John*, and then King *John* appointed them a Mayor. And forasmuch as sometimes the Mayor appointed by the King was no Citizen of *London*, King *John* in the tenth year of his Reign, granted to the Citizens Liberty, And Authority to choose *de seipsis* a Mayor, &c. And so it continueth unto this day; Thus far Sir *Edward Coke*. and to the same effect are the words of Mr *Stow*, in his survey of *London*; King *William* the Conqueror, sayes he, found a Port-Reve at *London*, whose name was *Godfrey*, and his office was no other, then the charge of a *Bailiff*, or Reve, as by the self same continuing yet at *Gravesend*, and certain other places may well appear: But the *Normans*, using their owne Language, called him sometimes a Provost, and sometimes a *Bailiff*; whatsoever his name and Office were, he was *Perpetuus Magistratus*, given by the Prince, and chosen by the Citizens, as it seemeth; for what time King *Ric.* I. needed money, towards his expedition in the Holy Land, they first purchased of him, the liberty to choose yearly from amongst themselves two *Bailiffs*, and King *John*, his successor, at the

like suit changed their Bailiffs, into a Mayor, and two Sheriffs.

Co. 3. Inst. 73. 2. That the Lord Mayor ought to be principal in all Commissions of felony &c. Perpetrated within the City of *London*, by the charter of the City.

Co. 4. Inst. 250. 3. That in all Commissions, touching the water of *Ley*, the Lord Mayor of *London* is alwaies one.

4. H. 7. C. 15. 4. That the Lord Mayor of *London* for the time being, hath the conservation, and rule of the water, and River of *Thames*.

49. E. 3. 16. a. Cro. 2. part. f. 531. 5. That his Lord-ship is perpetual Coroner, and also Escheator within the City of *London*.

Bulstrods Rep. 3. part. f. 21. 6. That the Lord Mayor of *London* is chief Butler to the King at his Coronation: And in 1. *H.* 4. this was so allowed unto him, when *Fitz-Allen* was Lord Steward, who then allowed this unto him.

21. E. 4. 14. 7. That if the Commonalty of the City do choose a Mayor at the Feast of *St Michael*, in the absence of the ancient Mayor, tis a voyd Election.

Stow. 8. That there be certain Officers, appertaining to the Lord Mayors house, and they are these following.

The

The Sword Bearer, the Common Hunt, the Common Cryer, the Water-Bayliff, Esquires four.

Sergeants Carvers 3. Sergeants of the Chamber 3. Sergeant of the Channel. Yomen of the Waterside 4. under-Bayliffs. Yeomen of the Chamber two; Meale-Weighers 3. Yeomen of the Wood-Wharfs two.

The Sword-Bearers Man
Common Hunts men 2.
Common Cryers man.
Water-Bayliffs men 2.
The Carvers man.
} Gentlemens men 7.

Whereof nine of these have Liveries of the Lord Mayor, *viz.* The Sword-Bearer, and his Man, the three Carvers, and the four Yeomen of the Water-side. All the rest have their Liveries from the Chamber of *London*.

9. That there are dayes of Mendance, the Fellowships do give to the Lord Mayor at his going to *Pauls*, and they are in number 7. viz.

1. *Alhallowen* day.
2. *Christmas* day.
3. St *Stevens* day.
4. St *Johns* day.
5. *New years* day.

Stow.

6. *Twelf* day.
7. *Candlemas* day.

To conclude, as touching this grand officer; *Stow* in his *Annalls* reporteth; that *Henry Picard* vintner, Mayor of *London*, in one day did sumptuously Feast *Edw.* III. King of *England*, *John* King of *France*; the King of *Cyprus*; *David*, King of *Scots*; and *Edward*, Prince of *Wales*.

2. *The Aldermen.*

IN relation to Aldermen three things are worthy of notice, *&c.*

1. The Etymology of the words (Alderman, and Senator.)

An Alderman is among the Romans, *Laticlavius*, *Senator*, and *Optimas*.

An Alderman from the *Saxon* word Ealderman, *i.e. Senex, quod Senes solummodo illum dignitatis gradum accipiant*: Hence among the Latins, he is called Senator.

Gothofredus tells us, that *Senatores dicti non sunt ab assentiendo*, as *Hugolinus*, and *Bartolus* suppose, but *à senili ætate*, or *à virtute*, for heretofore, *Senes apud Romanos Viri optimi appellati sunt.*

Olim

Olim apud Britones (sayes one) *temporibus Romanorum in regno isto Britanniæ vocabantur Senatores qui postea temporibus Saxonum vocabantur Aldermanas, non propter ætatem, sed propter sapientiam, & dignitatem, cùm quidam adolescentes essent, Jurisperiti tamen & super hoc experti.*

2. Their election; The Aldermen of *London* were changed by election every year, until 28. E. 3. Then it was ordered, that they should not be removed, without some special cause. But *Rot. Parl.* 17. *R.* 2. *nu.* 25. it is enacted, that the Aldermen of *London* shall not from thenceforth be yearly chosen, but remain, till they be put out for reasonable cause, notwithstanding the Ordinances of *Ed.* II. & *Ric.* III. And so it still continueth. *Co.* 4. *Inst.* 253.

Yearly on the Feast of St *Michael* the Arch-Angel on of these Aldermen is elected to be Mayor, for the year following, to be begun on the 28. of October, the other Aldermen his brethren, are to him assistents in Counsels, Courts, &c. With what has been said agrees the Description given by another Author, that I have read; *Stow.*

Aldermannus Civitatis Londinensis (saies he) *est unus ex Senatu Civitatis, cui Regimen Civitatis præcipuè incumbit: ex quorum numero præfectus annuus eligitur.*

3. The priviledge of these Aldermen in respect of offices in the Country, which will appear by this following case.

John Abdy, Alderman of *London*, having a House at.... in the County of *Essex*, where it was pretended, that Constables should be elected out of the Inhabitants in every house by presentment every year in Leet of Sir *William Hickes*, Lord of the said Manor, and Leet; the said Alderman *Abdy*, by the name of *John Abdy* Esquire was nominated in a Leet such a day, to be Constable for the year following; and because he refused, the Steward of the Court imposed a fine upon him, and denyed him any priviledge, to be freed by reason of his being Alderman of *London*, whereupon this being suggested; It was moved, to have a writ out of the Kings Bench, directed to the Lord of the said Manor, to his Steward, to discharge him, because he being an Alderman

Cro. 3. part. Alderman of London's case.

Alderman of *London*, ought to be there resident, the greatest part of the year, and if absent, is fineable; and all the Court of the Kings Bench held, that he ought to be discharged by his priviledg, and although it was said, he might execute it by Deputy, and his personal Attendnace is not requisite, by the custome of the sad Mannor; yet *non allocatur*; whereupon the said priviledg was awarded.

3. *The Recorder.*

A Recorder, is he, whom the Mayor, or other Magistrate of any City, or Town Corporate, having jurisdiction, or a Court of Record within their precincts by the Kings grant, doth associate unto him for this better direction in matters of Justice, and proceedings according to Law.

Thus much in general of the Recorder-ship of any City, or Town, but more particularly, we say, *That the Recorder of London*, is the person, whom the *Lord Mayor*, and *Aldermen* do associate unto them for their better direction in matters of Justice, and proceedings

ceedings according to Law; and therefore he ought to be a grave, and Learned Lawyer, well seen in the Common Law, and skillful in the Customs of the City; and such a one indeed is that honourable and very grave person, *Sir John Howell* (a member of the Royal Society of *Lincolns* Inne,) who at this very time is Recorder of this most glorious City.

Stow. The Recorder of *London*, takes place in Councils, and in Courts, before any man, that hath not been Lord Mayor, and learnedly delivers the Sentences of the whole Court.

By the *Stat.* of 23. H. 8. c. 6. the Mayors of the Staple at *Westminster*, and the Recorder of the City of *London*, joyntly together, have full authority to take Recognizances for the payment of debts, in the absence of the Chief Justices out of Term.

32. E. 1. *Geoffry Hertilepole*, Alderman, was elected to be Recorder of *London*, and took his Oath, and was appointed to wear his apparel, as an Alderman.

4. The

4. The Sheriffs.

BEfore I ſpeak in particular of the Sheriffs of *London*, I ſhall preſent to the Reader ſeveral Queries, (with reſolutions given unto them out of our books of Law) touching Sheriffs in general. For the better Information of all ſuch Officers through the whole Kingdom.

Quære 1. Whence the word *Sheriffs* is derived?

Reſp. Sheriff is a word compounded of two *Saxon* words, viz. *Shire*, and *Reve*, *Shire*, *Satrapia*, or *Comitatus*, cometh out of the *Saxon* verb *Shiram*, i. e. *partivi*, for that the whole Realm is parted, and divided into Shires. And *Reve* is *præfectus*, or *præpoſitus*; ſo as Shireve is the Rive of the Shire, *Præfectus Satrapiæ*, *Provinciæ*, or *Comitatus*; And he is called *Præfectus*, becauſe he is the chief officer to the King within the *Shire*; for the words of his patent be *Commiſimus vobis cuſtodiam Comitatus noſtri*, *&c.* *Co. Litt. 168. a.*

Quere 2. How a Sheriff was, and is to be elected? *Quere 2.*

Reſp.

Resp. It is to be known, that the office of a Coroner ever was, and yet is eligible in full County by the Freeholders, by the Kings writ, *de Coronatore eligendo*: and the reason thereof was, for that both the King, and the County had a great interest, and benefit in the due execution of his office: and therefore the Common Law gave the Freeholders of the County, to be electers of him. And for the same reason of ancient time the Sheriff called *Vice-Comes*, who had *Custodiam Comitatus*, was also eligible: for, first the Earl himself of the County had the office of the Sheriff of the County, and when he gave it over, the *Vice-Comes* (as the word signifieth) came instead of the Earl, and was eligible by the Freeholders of the County; but this way by election is altered by divers Acts of Parliament, viz the Act. of 9. *E.* 2. Lincolne *de Vice-Comitibus* 14. E. 3. 12. R. 2. & 23. H. 6. *vide* the Statuts themselves.

Co. 2. *Inst. fol.* 174. & 175. & 558. & 559.

14. *E.* 3 *c.* 7. 23. *H.* 6. *c.* 8. 12. *R.* 2 *c.* 3.

Quære 3. Whether the Day of the Billing of Sheriffs, may be deferred from the usual day?

Resp. Upon the sixth of *November* the Term of *Michael* 16. *Car. Regis*, the Lord

Lord Keeper of the great Seal, the Lord Treasurer, the Lord privy Seal, Earl of *Arundel*, Earl Marshall, the Earl of Pembrok, Lord Chamberlin, the Lord *Cotington* Chancellor of the Exchequer, were assembled in the Exchequer Chamber, to nominate three persons, of every County throughout *England*, to be presented unto the King, that he might prick one of them, to be Sheriff of every County, which is usually done according to the Statute upon the 3. of *Nov*, being *Crastino animarum*. But because it was the first day of Parliament, and the Lords were to attend the King, It was resolved by the advise, and resolution of the Major part of the Justices, with whom Conference was had in this cause, that it might be well put off to another day. And the Lord Keeper notwithstanding the Statute deferred it until this day.

Cro. 3. part. Terme Mich. 16. Car. Regis in Banco Regis

Quære 4. In what the office of the Sheriff doth consist?

Resp. It belongeth to the Sheriff, to serve the Kings writs of process, be they summons, or Attachments, to compell men to answer, to the Law, and all writs of execution of the Law, according to judgments of superior Courts

Courts; for taking mens goods, Lands or bodies, as the cause requireth; and by the Order of the Common Law, and Statutes of the Realm, he may for the better execution of his Majesties writs, and process of Law, after resistance, take *posse Comitatus*.

He is to return indifferent Juries, for the Tryal of mens Lives, Liberties, Lands, and Goods.

He ought to see, that the publique Peace be kept, which is the Life of the Commonwealth; and therefore he is said to be *Principalis Conservator Pacis*, within the County.

It is his duty, to gather the publique monies, and profits of the Prince in his County, to collect, and bring into the Exchequer, all fines imposed, even by distreining.

He is to see condemned persons executed. To conclude, he is to determine, and examine certain smaller pleas Civil and Criminal; the former are decided in the County Court; the latter in his Court, called the Town.

Quere 5. If one be in the Sheriffs Custody, by process of Law, and then another writ is delivered to apprehend the

the body of the party, that is already in Custody, whether he be in Custody by vertue of the second writ, without an Actual Arrest?

Co. Lib. 5. Frosts case f. 89.

Resp. It was adjudged, that when a man is in Custody of the Sheriff, by process of the Law, and afterward another writ is delivered unto him, to apprehend the body of him, who is already in Custody; Immediatly he is in Custody, by force of the second writ, by judgment of Law, although he make no actual Arrest of him, for to what purpose should the Sheriff arrest the party, that is already in Custody; and *Lex non præcipit inutilia; quia inutilis Labor est stultus.*

Quære 6. Whether a Sheriff, Bailiff, &c. may arrest one without shewing the warrant?

Resp. It was adjudged, that an Arrest without shewing the warrant, and without telling at whose suit, until the party demand, is Legal, and well enough, and that he need not shew the warrant, until the other obey, and demand it.

Co. Lib. 9. Mackaleyes Case Lib. 6. Count of Rutlands Case. Cro. 2. parts Hodges verf. Markes.

Quære 7. Whether an Arrest made in the night be good.

Resp. It is said, that an Arrest made in the

the night time is valid in Law. *Cro.* 2. part. *Mackaleyes* Case *Co.* lib. 9. *Mackaleyes* Case.

Quære 8. Whether *Arrests* be good on the Sunday.

Resp. An *Arrest* upon the *Sunday*, and other ministerial *Acts* are good, but not judicial *Acts*; for a judicial writ bearing *Teste* upon a Sunday; or a Proclamation of affine upon a Sunday are ill, and erroneous; for they shall be intended, as fictions; because it is well known the Court do not sit that day; but an original writ, or patent, bearing *Teste* upon the Sunday, are good enough, for the Chancellor may seal writs, or patents upon any day.

Cro. 2. part. *Waite* verf. *Hundred of Stoke* 496.

An *Arrest* made by a Sheriff, or his Officer, is valid, although it be done upon a *Sunday*.

Cro. 2. part. *Mackaleyes* case.

Quære 9. In what Cases a Sheriff may break open houses to execute procels?

Resp. As to this *Quære* take these particularities, *ſc.*

1. When any house is recovered by any Real *Action*, or by *Ejectione firmæ*, the Sheriff may break the house, and deliver seizin or possession.

2. In

2. In all cases, where the King is party, the Sheriff may break the house (if the doors be shut) and make execution of his writ, but before he break the house, he ought to signify the cause of his coming, and make request to have the Doors opened: but if the Officer break the house, when he might have the Doors opened, he is a Trespasser; for felony, or suspition of felony the officer may break open the door.

3. The Sheriff cannot break open an house upon private process; neither can he upon private process rush into a house, which by craft, as knocking at the door &c. he procured to be opened unto him.

4. In all Cases where the door is open, the Sheriff may enter, and make execution of his writ, either for body, or goods, at the suit of a subject.

5. The Sheriff at the suit of Common person (upon request made, and denial thereof) ought not to break open the doors, or the house, to execute any process at the suit of any subject; or to execute a *Fieri fac.* Being a writ of execution, but he is a Trespasser, yet if he do execution in the

house it is good in Law, being done according to the rule of Law; *sunt multa, quæ impediunt promovendum, quæ non dejiciunt jam prometum.*

6. The house of a man is not a Castle, or defence for any other person, but for the owner, his family and goods, and not to protect another, that flyeth into the same, or the goods of another, for then the Sheriff upon Request, and denial, may break the house, and do execution.

7. Although, a Sheriff cannot break open an house, being to take execution by *fieri facias*, yet when the Door is open, that he enters, and be disturbed in his execution by the parties, who are within the house, he may break the house, to rescue his Bayliffs, and to take execution. *Vide* all these particulars *Cro.* 1. part. *Seyman* verf. *Gresham. Co.* lib. 5. *Semaines* case. *Hobarts* Reports, *Water house* verf. *Saltmarsh*, *Parke* and *Percival* verf. *Evans. Cro.* 1. part. *Smith* ver. *Smith*, *Yelvertons* Reports *Seyman* verf. *Gresham. Cro.* 2. part. *Anonymus* f. 555. *pl.* 19. 18. *E.* 4. 4. 13. *E.* 4. 9.

Quære 10. Whether a writ, or Commission

misſion may be awarded to a Sheriff, to enquire of the Death of a man?

Reſ. It was found before the Coroner, *ſuper viſam corporis*, that *J. Harleſton* fell into a Marlepit *fortuito*, and ſo died. Afrerwards by the procurement of the Queens Almoner a Commiſſion iſſued out of the Crown Office (*Quaſi* in nature of a *Melius Inquirendum*) and was awarded to the Sheriff to enquire of his death, and of what goods, and Chattells, he was poſſeſſed at the time of his death. And it was found before the Sheriff, that he was *felo deſe*, &c. It was moved, that the writ, or Commiſſion was not well awarded, but utterly void; for the Stat. of 28. *E.* 3. c. 9. is expreſſely, that no ſuch Commiſſion ſhall be granted, and that the Sheriff ſhall not take Indictment by writ, or Commiſſion. But *Ive*, the Clerk ſaid, that they have divers Preſidents, ſince that Statute, of ſuch Commiſſions awarded. Cro. 1. part. Harleſtons Caſe

Quære 11. Whether Reſcous be a good Return upon mean proceſs?

Reſp. It has been adjudged, that in an Arreſt upon mean proceſs, and not upon execution, the Sheriffs are not bound to take the *poſſe Comitatus* with

Cro 2. part. May v. Proby, and Lum Sheriff of Middlesex.

them, and therefore upon such process, it is a good return, the Rescous, and that afterwards he was not found within their Bayliwick; and process shall, thereupon be awarded against the Rescussours: But if the Prisoner had been in the Goal, the Sheriff ought at his peril to keep him, and a Rescous from thence is no excuse for him: And upon process of execution, as upon a *Capias ad satisfac.* or upon a *Capias ut legatum*, after judgement, such a Return is no excuse for him, either against the King, or the party; for he at his peril ought to keep his prisoners taken in execution; for there the process is determined, which being the Life of the Law, and being once executed, the party may not have any new process, and therefore he shall answer to the party for the escape. And it is at the Sheriffs peril to see that his prison be strong enough, to keep his prisoner, when he is once in execution. And being a mischief to one it ought rather to fall on the Sheriff than on the party: But in the other case there is not any great mischief, for the party hath only lost his process, which he may renew; and he may also have

a

an Action upon the Caſe againſt the Reſcuſſours.

Quære 12. Whether an Averrement may be admitted againſt a Sheriffs Return?

Reſp. There is a difference between Acts miniſterial, and Acts judicial, for againſt Acts, which a Sheriff doth as miniſterial, an Averrement may be, but not againſt that, which is done judicially, and by one as judge. *vide* 3. *H.* 7. 15. a. 7. *H.* 7. 4. ab. 10. *H.* 7. 28. a. *Yelvertons* Reports *Arundel* ver. *Arundel.* *Cro. 2. part. Arundel ver. Arundel.*

Quære 13. Whether a priſoner for debt, making an eſcape, can be taken again upon freſh ſuit?

Reſp. Although a priſoner in execution eſcape out of view, yet if freſh ſuite be made, and he be taken again *in recenti inſecutione*, he ſhall be in execution, otherwiſe at the turning of a corner, or by entring into an Houſe, or other Means, the priſoner may be out of view, and although he fly into another County, yet becauſe the eſcape was of his owne wrong, whereof he may not take advantage, the Sheriff upon freſh ſuite may take him there, and he ſhall be in execution. *Co. lib. 3. Ridgewayes Caſe.*

Quære 14. Whether a Sheriff upon a voluntary escape, can retake his prisoner?

Cro. 2. part. Whiting ver. Reynel. Co. lib. 3. Bagtons Case. lib 3. Ridgewayes Case.

Resp. If the Sheriff, or Bayliff voluntarily lets a Prisoner at large, he cannot retake him, as if a Sheriff assent, that one, who is in execution, and under their Custody, may go out of the Goal for a time, and then to return, yet although he return at the time, it is an escape.

Quære 15. Whether there may be an escape, altho the party alwayes continues in prison?

Cro. 1. part. Westly ve. Skinner Co. lib. 3. Westbreys Case.

Resp. If a man be in prison upon two executions, at the suit of two several persons; and then the old Sheriff delivers over this prison to the new Sheriff by indenture, according to the usual course, and in the said indenture maketh no mention of one of the said executions, this omission shall be said an escape in Law instantly, for which the old Sheriff shall answer, although the execution was matter of Record, whereof the new Sheriff might have taken notice, so that you see, a man may be said to escape, notwithstanding he alwayes continues in prison.

Quære

Quære 16. Whether the eſcape of one in execution be cauſe of diſcharge of the other Debtour.?

Reſp. Where two are bound joyntly, and ſeverally in a bond, and the obligee recovers againſt one of the obligors, and has him in execution upon a *Capias ad ſatisfac.* and then he eſcapes with the Sheriffs conſent, in this caſe, altho he eſcaped by the voluntary permiſſion of the Sheriff, yet that ſhall not deprive the obligee of his remedy againſt the other obligor, for an execution againſt one is no bar, but that the obligee may ſue the other obligor: Execution without ſatisfaction being in Law, not any bar, *vide Co.* lib. 5. *Blomfields* caſe. *Cro.* 1. part. *Bloſields* caſe. *Cro.* 2. part. *Pendavis* ver. *Kenſhem* 532.

Cro. 3. *f.* 73. *White Acres* ver. *Hamkinſon.*

Quære 17. Whether the ſale of goods upon a *fieri facias* by a Sheriff, after he is diſcharged of his Office, be good?

Reſp. A Sheriff upon a *fieri facias* ſeiſed goods in his hands to the value of the debt, and paid part of the debt; & the goods not being ſold, nor the writ returned, the Sheriff was diſcharged of his

Cro. 2. *part. Aire* ver. *Aden Telvert on Reports Aire* ver. *Aden.*

his Office, and afterwards ſold the Reſidue of the goods, without any writ of *Venditioni exponas*; and whether this ſale were good, or not, was the Queſtion; and reſolved, that it was good, for the writ of *fieri facias* gave authority to him, to ſell, without any other writ; and the ſale by him after is good, although he were diſcharged of his office.

Quære 18. *A* Term ſold by a Sheriff and after the Judgment reverſed, whether the party ſhall be reſtored to the Term, or the money.

Co. lib. 8. Mannings Caſe: Co. 1. part. Ayre ver Woodfine.

R. If a Sheriff ſell a Term upon a *fieri fac.* and Judgment is reverſed, the ſale ſhall ſtand, and the party ſhall be reſtored only to the money, and not to the Term.

Quare 19. Whether the Sheriff can be reſtrained by the King in any part of his Office?

Co. lib. 4. Aſtrons Caſe.

R. Though the King may determine the office *ad bene placitum*, yet he cannot determine this in part, as for one Town, or Hundred, nor abridge him of any Incident to his Office, for the Office is entire, and ought to continue ſo, without any fraction, or dimi-

diminution, without it be by Parliament.

Quære 20. Whether the Sheriff can abridge any part of his Under Sheriffs power, in executing of process?

R. If a Sheriff will make an Under Sheriff provided, that he shall not serve executions above 20. pound without his speciall warrant, this *proviso* will be void, for though he may choose, not to make an Under Sheriff at all, or may make him at his will, and so remove him wholly, yet he cannot leave an Under Sheriff, and yet abridge his power, no more then the King may in case of the Sheriff himself. *Hobarts Reports Norton ver. summe f. 13.*

Quære 21. Whether the Sheriffs Office be determined by the descent of a Barony?

Resp. Sir *Lewis Mordant*, being Sheriff of the Counties of *Bucks*, and *Bedford*, the Lord *Mordant* his father dyed, *tempore parliamenti*, it was held by all the Justices, the Atturney, and the Solicitor of the Queen, that his office by this matter, is not determined, although he be now a Baron of the Parliament, and that he yet remaineth Sheriff, *ad voluntatem Reginæ*. *Cro. 1. part. Sir Lewis Mordants Case 12. & 13.*

Hitherto touching Sheriffs in general throughout

throughout the Realm, I proceed to ſpeak more minutely of the Sheriffs of *London*; And there are theſe things concerning them, that deſerve our ſpecial notice, *ſcil.* Their Antiquity, Election, Tenure of their office, Fee-farme paid by them, their Officers, Direction of writs to them; and their return of writs.

1. *Their Antiquity.*

tempore H. 1. IN the Book of the Abbey of *Ramſey*, to a Conveyance made in the Court of the Huſtings of *London*, of a certain houſe in *Walbrook* within the City, between *Wilcnothun de Walbroc & Renaldum Abbatem de Ramſey*, the witneſſes were (amongſt others) *Willielmus de Eimford Vice-Comes de London, & Johannes ſub Vice-Comes ejus, & Gervaſius Clericus ejus.*

C. 4, Inſt. 248.

More might be ſaid of their Antiquity, but it is clear, that ſo long as this City hath been a County of it ſelf, ſo long, there hath been Sheriffs, for it cannot be a County without Sheriffs.

2. *Their*

2. Their Election.

The Sheriffs of *London*, of old time were chosen out of the Commonalty, Commoners, and oftentimes never came to be Aldermen, as many Aldermen were never Sheriffs, and yet advanced to be Mayor, but of late (by occasion) the Sheriffs have been made Aldermen, before or presently after their Election. Stow.

Nicholas Faringdon (saves *Stow*) was never Sheriff yet four times Mayor of this City, and so of other, which reproveth a By-word, such a one will be Mayor, or he be sheriff, &c.

3 The Tenure of their Office.

The Lord Mayor, and Citizens of *London* have the shrievalty of *London* in fee, and the Sheriffs of *London* are Guardians, under them, and removeable from year to year. Co. 2. Inst. 32. 11. Eliz. Dyer f. 278.

4, The

4. *The Fee-Farme paid by the Citizens.*

Sagar. King *John* granted the Sheriffwicke of *London*, and *Middlesex* to the Citizens of *London*, as King *H.* I. before had done, for the summe of 300. pound yearly, which also is yet paid by the City into the Exchequer, until this day.

5. *Their Officers.*

Stow. The Sheriffs of *London*, in the year 1471. were appointed each of them to have sixteen Sergeants, every Sergeant, have his Yeoman. And 6. Clerks *viz.* A secondary, a Clerk of the Papers, and four other Clerks, besides the Under-sheriffs Clerks, their Stewards, Butlers, Porters, and other in Household many.

6. *Th*

6. *The Direction of Writs to them.*

Sciendum est (sayes the book intitled Nat. Brevium) *quod quodlibet breve, quod tangit liberum tenementum in London debet dirigi Majori, & vic. London. Sed omnia alia brevia, quæ sunt ad Communem legem in eadem Civitate debent dirigi vic. tantummodo.* Every writ, that touches Free-hold in *London*, ought to be directed to the Lord Mayor, and Sheriffs of *London*, but all other writs, which are *ad Communem legem*, in the same City, ought to be directed to the Sheriffs only.

One atteinted of Felony at New-gate, for Felony committed in *Middlesex*; the Sheriff of *London* cannot deteine him in execution upon process, unless the direction be to the Sheriff of *Middlesex*. *Moores Reports* 178. *nu.* 317.

7. *Their* Return *of Writs.*

In *London* every of the Sheriffs may arrest a man; yet the Return shall be made 30. *H.* 6. 43.

made in the name of both the Sheriffs.

The Court of Common pleas, was of opinion that if one Sheriff of *London* make his return without his fellow, that this would not be holpen, by the Statute of *Jeoffayles*, as being no return at all; or a return without the Sheriffs name subscribed, because the Court knows that one Sheriff there, is two persons.

Roberts Rep. Lamb. vers. Wiseman f. 70.

Debt. The process upon the Original were directed to the two Sheriffs of *London*, the writ was returned by two, the one of them was Sheriff, the other, not: And it was pray'd, that it might be amended; for it is apparent to the Court, that it was the default of the Clerk, in writing the names, and the return by one Sheriff alone had been good, and the Addition of a strang name thereto shall not make it ill, and afterwards by advice of all the Justices, it was amended. Hitherto of the Sheriffs of *London*.

Cro. 1. part. Allen v. Sir Rob. Salisbury.

5. Of

5. Of the Chamberlain of London.

A Chamberlain of a City is termed (among the Latins) *Quæstor Ærarius*, *Ærarii præfectus*, *Quæstor Urbanus*, and *Camerarius*.

The word (*Camerarius*) expresseth the function of this officer, Chamberlain of a City, for *Camerarius*, *dicitur a Camara*, Græc. Καμαρα, *i. e. fornix, sive testudo*, a vaulted Roof, or Arch, *quia præcipuè in Camaris, & fornicibus, Thesaurus Civitatis reservari antiquitus solebat.* It seemeth (saith one) to be borrowed of the Fendists, who define the word thus, *Camara est Locus, in quem Thesaurus recolligitur, vel Conclave, in quo pecunia reservatur.* Another saith, that *Camerarius, vel Camerlingus, quem Quæstorem Antiqui appellarunt, in rebus fisci primum locum tenet, quia Thesaurarius, & Custos est publicæ pecuniæ.* Having given you the origination, and description of the Chamberlain of a City or Town incorporated, I shall speak a little of the Chamberlain of this most renowned City.

Zazius de Feudii part. 4. nu. 7.

Peregrinus de jure fisci lib. 6. tit. 3.

The

The Chamberlain is the person, that hath the conservation and keeping of all the Lands, moneys, and goods of such Orphans as happen within the City. And to that end he is deemed in the Law a sole corporation, to him, and his successors for Orphans, and therefore a Bond, or Recognizance made to him, and his successors shall go to his successor.

This office of the Chamberlain of *London* seemeth not unlike to a publique Treasurer, which collecteth the Customs, money, yearly revenues, and all other payments belonging to the Corporation of this City.

In a word, he receiveth all complaints made by Masters against their servants, & *vice versa*, and affords Justice, and Remedy to each of them.

6. *Of the Town Clerk.*

THe Town-Clerk (in Greek Γραμματεὺς) is he who (for his Ability, and learning) is entertained by the Lord Mayor, Aldermen & Commonalty of

of the City, to keep the Books, Rolls, or other Records, wherein are registered the acts and proceedings of the City: He may be termed the *Registser, Preignotary*, or *Actuary* of the famous City of *London*.

7. *Of the Common Serjeant.*

THe Office of the Common Serjeant is (as I am informed) to attend the Lord Mayor and Court of Aldermen, on Court dayes.

To be a Council with them on all occasions within or without the precincts of this City.

To take care of Orphans Estates, either by taking the account of them, or to sign their Inventories, before the passing of them by the Lord Mayor, and Court of *Aldermen*; Also this same Officer is to let, set, or otherwise dispose of their Estates, as he shall deem to be most beneficial to the interests of Orphans.

8. *Of the Deputy Coroner.*

THe Lord Mayor being (according to the Cuſtome of the City) perpetual Coroner, doth always conſtitute a Deputy, that acts for his Lordſhip, even as Coroners do in the ſeveral Counties throughout *England.*

Now touching Coroner are worthy of Obſervation theſe particulars following, *ſc.*

1. *The Etymology of the word Coroner.*

Coroner in Latin *Coronator*, is derived *à Corona*, ſo called, becauſe he deals principally with pleas of the Crown, or matters appertaining to it, the Imperial Crown of *England.*

Co. 4. Inſt. 271.
Co. 2. Inſt. 31.

2. *His Antiquity.*

As for his Antiquity we ſhall find that Coroners were in the dayes of King *Alfred*, as appears in the Book Intituled *The Mirror*, where it is ſaid,

Mirror c. 1. nu. 3.

Anx

Auxi ordains faer Coronours en chesium County, &c.

3. His Election.

He is eligible by the Free-holders of the County, and so continues to this day, as of ancient time the Sheriff, and Conservators of the Peace were, because the People had an Interest and safety in the due execution of their Offices, and so long as they were eligible, they continued, notwithstanding the Demise of the King, as the Coroner doth at this day. *Co. 4. Inst. 271. Co. 2. Inst. 174, 558, 559.*

4. His Dignity.

Of ancient time this Office was of great estimation, for none could have it, under the degree of a Knight. *Co. 4. Inst. 271.*

5. His Qualifications.

It is requisite, that a Coroner should have five Qualities. *Co. 2. Inst. fol. 174.*

1. That he should be *Probus homo.*
2. Lawful, *i. e. Legalis homo.*
3. Of sufficient Understanding,

and Knowledge.

4. Of good ability and power to execute his Office, according to his knowledge.
5. And lastly, Of Diligence and Intendance for the due Execution of the said Office.

6. *His Fees.*

3. E 3. Coron 372. A Coroner received a penny of every Visue, when they come before the Judges in Eyre, as belonging to his Office.

By the Statute of 3 *H.* 7. *c.* 1. he has given him a Fee of thirteen and four pence, upon the view of the Body of the goods of the murderer, &c.

1. *H.* 8. *C.* 7. But if the Coroner sit upon the view of any slain by misadventure, he shall have nothing.

7. *His Jurisdiction and Authority.*

As the Sheriff in his Tourn may inquire of all Felonies by the Common Law, saving the death of Man, so the Coroner can enquire of no Felony, but of the death of Man, and that *super visum Corporis.* He

He hath authority ſolely to take an Indictment, *ſuper viſum corporis*, and to take an Appeal, and to enter the Appeal, and the County. But he can proceed no further either upon the Indictment or Appeal, but to deliver them over to the Juſtices. *Co. 2. Inſt. f. 32. Co. 4. Inſt. f. 271.*

He hath power to bind over Witneſſes to the next Goal delivery in that County, whereof he is a Coronér.

Beſides his judicial Place he hath alſo Authority miniſterial, as a Sheriff hath, *viz:* when there is juſt exception taken to the Sheriff, judicial proceſs ſhall be awarded to the Coroners, for the Execution of the Kings Writs, in which Caſe he is *Locum tenens Vice-comitis*, and in the ſame ſpecial Caſe the Kings Original Writ ſhall immediately be directed unto him. *Co. 4. Inſt. f. 271.*

But the *Quære* may be, if one perſon be Coroner both of the Kings Houſe and County, whether an Indictment taken before him alone, may be good and valid in our Law?

Its anſwered, that an Inquiſition taken before *B.* Coroner of the Palace Royal, and of one of the Coroners of *Middleſex* is well taken, and *Co. 3. Inſt. 134.*

within the Statute of *Articuli super Chartas* c. 3. Though the Statute requires two persons; for the intent of the Act is performed, and the mischief recited avoided; for though the Court removes, yet he may proceed as Coroner of the County. And the Rule of Law is, *Quando duo Jura concurrunt in una persona, æquum est, ac si essent in diversis.* Thus much of the Coroner, as to his Antiquity, Election, Dignity, Fees, and Jurisdiction.

Co lib 4 Wrote and wigges Case.

9. *Of the Deputy Escheator.*

THe Lord Mayor, as he is Coroner, so likewise is he Escheator within the famous City of *London*, and appoints one alwayes as a Deputy Escheator, who is to act within the verge of this City, as Escheators do in the several Counties of *England*.

These Escheators are to look to all Escheates and other Casualties belonging to the Crown, and certifie them into the Exchequer.

Note, In ancient time there were but two Escheators in *England*, the one

one on this side of *Trent*, and the other beyond *Trent*, at which time they had Sub-Escheators. But in the Reign of King *Edward* 2. the Offices were divided, and several Escheators made in every County for life, &c. and so continued, till the Reign of *Edward* 3. And afterwards by the Statute of 14. *E.* 3. it is enacted, that there should be as many Escheators assigned, as when King *Edward* 3. came to the Crown, and that was one in every County, and that no Escheator shall tarry in his Office above a year. And by another Statute to be in Office, but once in three years, the Lord Treasurer nameth him.

Vide 14 *E* 3. *c.* 8. 1 *H.* 8 *c.* 8. 3 *H.* 8 *c.* 2.

10. *Of the Constables within this Renowned City.*

COnstable, or *Cunstable*, is compounded of two *Saxon* words, *Cuning*, *per contractionem* King, and *Stable*, i. e. *Columen*, *quasi columen Regis*, anciently written *Cuningstable*. *C* 4. *Inst. f* 123.

This Office is ancient here in *England*, and mentioned by *Bracton*, seeming to answer him, that was called

led amongst the Romans *Tribunus celerum*, and afterward *Magister Equitum*.

This word Constable is diversly used in our Common Law: And first, The Constable of *England*, who is also called Marshal; of whose Authority and Dignity a man may find many arguments and signs, as well in the Statutes, as in the Chronicles of this Realm, his sway consisteth in the care of the common Peace of the Land, in deeds of Arms, and matters of war.

Out of this Magistracy were drawn these lower Constables, which we call Constables of Hundreds, and Liberties, and first ordained by the Statute of *Winton* 13. *Ed.* 1. which appoints for the conservation of the Peace, and view of Armour, two Constables in every Hundred, and Liberty, and these be at this time called High Constables, because the increase of People and Offences, hath again undet those made others in every Town, called Petty Constables, who are of the like nature, but of inferior Authority to the other.

Besides

Beſides theſe, there are Officers of perticular places called by this name, as Conſtable of the *Tower*, Conſtable of the *Exchecquer*, Conſtable of *Dover* Caſtle, Conſtable of *Windſor*; and the now Conſtable of the famous Caſtle of *Windſor* is his Highneſs Prince *Rupert*, Duke of *Cumberland*, a Perſon moſt renowned, not onely for his brave conduct and fortitude in martial affairs both by Sea and Land; but alſo for his great zeal and Love, ſhewn abundantly in defence of the Proteſtant Religion.

For the derivation, and divers acceptation of the word (Conſtable) I proceed to ſhew what Authority pety Conſtables have in Cities, Towns, and Villages, according to our Law.

If any be threatened, upon complaint to the Conſtable, he may enforce the Party to put in a Surety, and if he do not commit him to Priſon, till he hath found a Surety. *4. E. 3. Bar. 102.*

A Conſtable may arreſt one which makes an Aſſault, though it be of himſelf. *21 H. 4. 21. 5 H. 7. 6.*

A Conſtable can take an Obligation to keep the Peace, but he cannot take *Kitchin.*

take a Recognizance.

22 E. 4. 35. The Constable may arrest one, that makes an affray, and carry him to the next Jail, till he find surety of the Peace, but not imprison him in his house, or put him in the Stocks, unless it be in the night, that he cannot carry him to the Jayl, for any other reasonable cause.

The Constable may search for suspicious persons, and may arrest night walkers.

2 E. 4. 9.

The Constable may search suspicious Bawdy Houses, where women of ill fame are, and may arrest suspected persons, which walk in the night and sleep in the day, or keep suspicious Company; and if he be not of power, he may have aid of his neighbours by the Law.

3 H. 7. 10.
13. H. 7. 10.

38. H. 8. Tit. False Judgement, 6. It is said, That a Constable cannot arrest for a Fray after it is done, without a warrant, but before it be done, or whilst it is doing, he may.

3 H. 7. 1. A Constable may take the power of the County, where there is a Fray, and especially to take Felons.

If a man be strucken, and in peril of

of death, the Conſtable ought to arreſt the Offender, and to keep him in Priſon, till it be known, if he will live or die, or till he have found ſureties to appear before the Juſtices at the Goal delivery: *Kitchin.*

If the Conſtable do not part Affrayors for the preſervation of the Kings peace, and apprehend them, being within his view, or do not his utmoſt endeavour, to part and apprehend them, he may be fined, and impriſoned for his neglect thereof, for he may command others to aſſiſt him; and therefore the Rule in him, *Idem eſt facere, & nolle prohibere cum poſſis, & qui non prohibet, cum prohibere poſſit, in Culpa eſt.*

And if any be commanded to aſſiſt him therein, and refuſe or neglect the ſame, it is a contempt in them to be puniſhed by fine and impriſonment.

I ſhall conclude this Learning touching our Conſtables with theſe Queries.

1. *Quære.* Whether a Conſtable may bring an Offender to what Juſtice he pleaſeth?

Reſp. It is adjudged that the Conſtable

ſtable having a Warant to bring one *Coram aliquo Juſtitiar.* &c. it is at the Election of the Officer, to bring the Party ſo attached, to what Juſtice he will; for it is greater Reaſon, to give the election to the Officer, who (in preſumption of Law) is a perſon indifferent, and ſworn to execute his Office duely, then to the Delinquent, and upon the refuſal to find ſurety, the Conſtable may commit the Delinquent without a new Warrant.

Co. Eli. 5, f 53. Foſters Caſe.

2. *Quære* whether the Conſtable of a Town be bound to make Huy and Cry?

Reſp. Huy and Cry is, when any Felony is committed, or any Perſon grievouſly and dangerouſly wounded, or any perſon aſſaulted, and offered to be robbed, either in the day or night; the Party grieved, or any other may reſort to the Conſtable of the Town, and acquaint him with the cauſes, deſcribing the party, and telling which way the Offender is gone, and require him to raiſe Huy and Cry, and the Duty of the Conſtable is to raiſe the power of the Town, as well in the night as in the day, for the proſecution

Co. 3. Inſt. 116.

on of the Offender, and if he be not found there to give the next Constable warning, and he the next, until the Offender be found.

3. *Quære*, What is the punishment of them, that shall not levy or pursue an Huy and Cry?

Resp. They, which levy not Huy and Cry, or pursue not upon Huy and Cry shall be punished by Fine, and Imprisonment. Co. 3. Inst. 117.

Note, it is an Article of the Leet, to enquire of Huy and Cryes levied, and not pursued. Stat. de 18. E. 2

The City of *London* has been taken into the Kings hands, for not levying a Huy and Cry, as appears by this Record, *Scil.*

Mandatum est Gulielmo de Haverhull Thesaurario Regis, quod Civitatem London capiat in manum Regis, eo quod Cives ejusdem Civitatis non levaverunt, Hutesiam & Clamorem pro morte Magistri Guidonis de Arretio & aliorum interfectorum secundum Legem & Consuetudinem Regni. Teste Rege apud Wendestock, 22 die Augusti. Co. 3. Inst. f. 118.

4. *Quære* Whether an Arrest be lawful, where the cause of the Huy and

and Cry be feigned?

Resp. Where Huy and Cry is levied upon any person, the arrest of such person is lawful, although the cause of the Huy and Cry be feigned; and if the Case be feigned, he that levy the same shall also be arrested, and shall be fined, and imprisoned. But common fame and voice is not sufficient to arrest a man in Case of Felony unless a Felony be done indeed. *vide* 5. H. 7. 5. *a.* 21. H. 7. 28. *a.* *Cro. 2. part Cox* vers. *Wirral. Bridgemans Reports Weal* ver. *Wills. Hobarts Reports Cuddington* ver. *Wilkings, Searls* ver. *Stiles, Poland* ver. *Mason.* Hitherto of the Governours and Officers, appertaining to the most glorious City of *London.*

Co. 3 Inst. 118.

SECT. XV.

Of the several Courts within the City of London.

THe principal Courts that appertain to this City are four, *viz.* The Court of the *Hustings*, the Court of the Sheriffes, the Court of Equi-

Equity, and the Court of the Lord Mayor and Aldermen. Of these in their order.

1. *Of the Court of the Hustings.*

TOuching this Court, are worthy of notice these particularities, *scil.* The Etymology of the word *Hustings*, its Antiquity, its preheminence, and its Jurisdiction.

1. *The Etymology.*

It is called *Hustingum*, or Hustings of two *Saxon* words, *viz. Hus*, i. e. *Domus*, and *Things*, i. e. *Placitum*; so as *Hustingum* is as much as to say, as the Bench, or Court of Pleas, *Domus placitorum*, or *Forum Contentiosum*, where Causes are pleaded. *Co 2. Inst. 322. Co. 4. Inst. f. 47*

Other Cities and Towns also have had a Court of the same name, as *Winchester*, *Lincoln*, *York*, and *Sheppey*, and others, where the Barons and Citizens have a Record of such things as are determinable before them. *Fleta lib. 2. c. 55.*

2. *The Antiquity of this City.*

For the Antiquity of this Court of Hustings amongst the Lawes of Saint *Edward*, you may read these words, *scil.*

Debet enim in London, *quæ caput est*

est Regni; & Legum, semper Curia Domini Regis singulis septimanis die Lunæ Hustingis sedere, & teneri, &c.

3. *Its preheminence.*

The Court of *Hustings* is the highest Court, and of greatest Celebrity within the City of *London*, and its holden before the Lord Mayor, and Sheriffes. *Co.* 2. *Inst.* 322. *Co.* 4. *Inst. f.* 247.

4 *Its Jurisdiction.*

As touching the Jurisdiction, Power, and Authority of this Court, are worthy of our Observation these Particulars, *Scil.*

1. That there be two *Hustings* in *London*, one is *de communibus placitis*; The other is *de placito Terræ*; And therefore upon return of Writs, to mention a Recovery at the Court of *Hustings* in *London* (where there are two kinds) and it is not said, at which of the Hustings, it is not good.

16 *H.* 7. 12. 11 *H.* 7. 10. & 6 *H.* 7. 15.

2. The manner of proceedings upon a Foreign Voucher;

It is provided by a Statute made in 9 *E.* 1. That if one be impleaded in the City of *London*, do vouch a Forreigner to warranty, the Mayor and Bayliffes shall adjourn the Parties before the Justices of the Common Bank

6 *E.* 1. *c.* 12.

Bank at certain day, and shall send their Record thither. And the Justices shall cause the warrantor to be summoned before them, and shall try the warranty. And the Mayor, and Bayliffs in the mean time shall surcease in the matter, that dependeth before them by a writ, until such time as the warranty by determined, before the Justices of the Bench. And when the matter shall be determined, Commandment shall be given to the Vouchee to depart into the City, and to swer the first plea. And the Demandant at his suit, shall have a writ from the Justices of the Bench, unto the Mayor, and Bayliffs, that in case the Tenant have last his Land, they shall cause it to be extended, and return the same extent unto the Bench at a certain day. And after it shall be commanded to the Sheriff of the Shire, where the warranty was summoned, that he shall cause the Tenants to have the Lands of the Warrantor to the like value. *Vide* more in the Statute aforesaid.

In Dower in the Hustings of *London* against the Husband, and Wife,

18. E. 2. 1. a. b. Tit. Receipt. 106. Co. 2. Inst. f. 326.

who vouch a foreigner in warranty; whereupon the plea is adjourned into the Common Pleas at a certain day, at which day the husband, and Wife sued out a writ against the Vouchee; whereupon the Vouchee appeared, and the Baron made default, and the Wife prayed to be received upon his default; and by the Rule of the Court she was received, and that it was within their Commission, for that the default was made in this Court, whereupon the Land was to be lost, if she were not received; for it is a Maxime in Law, *Necessitas sub Lege non continetur, quia quod alias non est Licitum, necessitas facit licitum*, but yet others are of another opinion.

In a *præcipe* in the Hustings in *London*, the Tenant voucheth one in *London*, and other forein Vouchees in the County of *Norfolk*, &c. In this case, as well the Voucher within *London*, as the foreign Vouchers shall be removed, for although the words of the Stat. of Gloc. c. 12. *Vouch forein a garrantie*; yet because process should be made by the Court of Common

Co. 2. Inst. f. 325.

Common Pleas only against the foreign Vouchees, although they came in, they should not warrant, nor answer without the others, before process were determined against them in *London*; so as necessity requireth, that process should be made against all at one time, and that ought to be done in the more worthy Court, and when the Warranty is determined in the Court of Common Pleas, all shall be remanded.

It is worthy of observation (saies *Coke*) that at the Common Law in case of a foreign Voucher in the Hustings of *London*, the plea was adjourned before the Justices in Eyre, when they came to the Tower of *London*, for the Court of Hustings, *London*, was not derived out of the Jurisdiction of the Court of Common pleas, as other Courts, that have power to to hold pleas Real, are, and therefore the Adjournment was, before the Justices in Eyre. *Co. 2. Inst. 327.*

3. The manner of proceedings upon the plea of Bastardy, or the plea *ne unques accompte en Loyal Matrimony.*

If in an action Ancestrel the Tenant plea Bastardy in the Demandant, or in a writ of Dower the Tenant plead *Ne unques accompte en Loyal matrimony*, neither the Court in *London*, or any like Inferior Court cannot award a writ to the Bishop for Tryal thereof; for *nullus alius praeter Regem possit Episcopo demandare inquisitionem faciendam*; And therefore if such pleas be pleaded in *London*, the Record shall be removed; and after a writ to the Bishop, and certificate made by the Bishop, the Record shall be remanded into *London* again.

Co. 2. Inst. f. 271

Co. Litt. fol. 134.

4. That a suit upon a penal Law cannot be brought either in the Court of the Hustings, or in any other Court at Guild-hall, but it must be commenced in the Kings Courts at *Westminster*, where the Kings Attorney is to acknowledg, or deny.

Cro. 3. part. Miller ver. Regem 538.

2. *Of*

2. Of the Courts of the Sheriffs.

Touching the Courts of the Sheriffs of *London* is observable the Manner of proceeding in two things, *scil.*

1. In a writ of error.
2. In an execution upon a Condemnation in the Sheriffs Courts.

1. The manner in a writ of error.

If an Erronious Judgment be given before either Sheriffs, the party grieved shall have a writ of errour, and remove this before the Mayor, and Sheriffs in the Hustings; If they do not yeld redress there, then shall certain Justices be assigned by the Kings Commission, to sit at St *Martyns* le Grand, by *nisi prius* for to redress the said Judgment, and if there be default found in the Mayor, and Sheriffs, they shall be punished for their Misprisions, by the form that is contained in the Statute of 28. E. 3. c. 10.

2. The manner upon an Execution,

Cro. 3. part. Cusackes Case f. 128.

One taken in execution in *London*, upon a Condemnation in the Sheriffs Court, and removed by *Habeas Corpus* into the Kings Bench, shall be committed there in execution for that Debt, and having discharged all Causes in the Kings Bench, shall be remanded.

3. *Of the Court of Equity.*

This Court of Equity before the Lord Mayor, is called commonly the Court of Conscience, or the Court of Requests, in Latin *Curia Requisitionum, sive Requestarum; seu Requisitorum*, and the Lord Mayor himself, by whom this Court is swayed, and governed, may be termed by us, *Magister a Libellis supplicum.*

Touching this Court of Equity I propose these Cases, that I have met with in our books.

If a man be impleaded before the Sheriffs, the Mayor upon the suggestion of the Defendant may send for the parties, and for the Record, and examine the parties upon their

Co. lib. 8. f. 116. 10. H. 6. 14 Co 4 Inst. 248.

plea

plea and if it be found upon his examination, that the Plaintiff is satisfied, his Lordship may award, that the Plaintiff shall be barred.

There is a special Act of Parliament for the Relief of poor Debtours 3. *Jac.* where by it is enacted, that every poor Citizen, and Freeman inhabiting in *London*, being sued for debt under forty shillings, may exhibit his suite in the Court of *London*, called the Court of Requests in *London*, who shall nominate Commissions to the number of 12. and three of that Commission may send for any Creditor, who is complained of, in sueing for such a Debt under 40. s. and if he refuse to come, or perform not their Orders they may cause him to be arrested, by any Sergeant of *London*, and commit him to prison there to remain, until he perform the said order. 3. *Jac. c.* 15.

A Citizen of *London* sued another Citizen in the Common Pleas, and the Mayor, and Aldermen would have him, put the matter, to compromise, and he refused, they did disfranchise him: all those, that were *Cro. 1. Jam. f.* 33. *pl.* 1.

parties to the disfranchisement, were fined an hundred Marks a piece, and the party was restored to his Franchise, *that is to his Libertie; for Franchise in the Common Law signifies sometimes, the incorporating a man to be Free of Company, or body politique, as a Free man of a City, or Burgess of a Borough.*

Co. Litt. 137 b.

Quere. To conclude; The *Quære* may be; How this Court of Equity in *London* was raised? Whether by Act of Parliament, prescription, or by Letters Patents.

Resp. It is answered, that this Court of Equity must of necessity be raised, either by Act of Parliament, or by prescription, for a Court of Equity cannot be had by the Kings Grant, or Letters patents, as appears by our books; and therefore it must be by one of the former wayes; and my Lord *Hobart* in the Case, betwixt *Martin* and *Marshal* tells us that *London*, and the Cinque Ports have Acts of Parliament for their Courts of Equity; But *Chester* and *Durham* by prescription.

Co. 4. Inst. 248, 87, 97. & 121 Hobarts Reports Martin per. Marshal & Keyb. f 63.

4. Of

4. Of the Court of the Lord Mayor and Aldermen.

The Court of the Lord Mayor, and Aldermen is a Court of Record, and consisteth of the Lord Mayor, the Recorder, and Aldermen, whereof the two Sheriffs, being Aldermen, are part.

This Court principally was instituted (amongst other Causes) for the redressing, and correcting the Errours, Defaults, and misprisions, which be used in the City of *London*.

In this Court are comprehended several other Courts, as namely,

1. The Court of Orphans. 2. The Court of Ward-mote. 3. The Court of Hull-mote. 4. The Court of the Conservation of the Water, and River of *Thames*. 5. The Court of the Coroner in *London*. 6. The Court of Escheatour in *London*. 7. The Court of Policies, and Assurances in *London*. 8. The Court of the Tower of *London*. 9. The Court of Common Councill, wherein are enacted Constitutions

tions, and Laws, for the advancement of Trade, and Traffique; And lastly, the Court of the Chamberlain for Apprentices, which concerneth the making Free of Apprentices; touching which Freedom I shall present to the Reader what I have met with, in the Books of the Common and Roman Laws.

The Common Law.

One may be a Freeman of *London* three manner of wayes, *viz.*

Co. lib. 8. le Case of London. Co. 4. Inst. 250. Bustrods Reports 2. part. Allen ver. Tooly.

1. By service, as in the Case of Apprenticeship.

2. By Birth-Right, the Son of a Freeman.

3. By Redemption, by order of the Court of Aldermen.

So the Freedom of the City of *Rome* was three wayes obtained, *scil.*

The Civil Law.

1. By Manumission, which was thus, when as a Servant was presented by his Master before the *Consul*, or *Prætor*, the Master laying his hand upon his Servants head, used this form of words, *Hunc liberum esse volo*, and with that turning his Servant round, and giving him a Cuff on the ear, he did *emittere Servum è manu:*

Godwins Antiq. Lib. 1. sect. 2. c. 6. & lib. 3. sect. 4. c. 4 de jure civium Romanorum.

the

the *Prætor* then laying a certain Wand, or Rod called *Vindicta*, upon the Servants head, replyed in this manner, *Dico eum Liberum esse more Quiritum*. Then the *Lictor*, or Sergeant taking the Wand did strike therewith the Servant on the head, and with his hand struck him on the face, and gave him a push on the back, and after this he was registred for a Freeman.

2. By Birth, both, or at least one of the Parents being Free, and such where called *Cives Originarii*, or *Cives-nati*.

Municipium aut nativitas facit, aut manumissio, aut adoptio. D. 50. 1. 1.

3. By Gift, and Cooptation, when the Freedome was bestowed on any Stranger, or Nation, and they were termed *Civitate donati*, and so we read that *Cæsar* took in whole nations into the Freedom, that is, they had the Roman Priviledges.

So saith *Philo* of *Agrippa* φίλων ἐνίων πατρίδας ὅλας τῆς Ρωμαϊκῆς πολιτείας; *He gave the Priviledges of the Roman Citizenship to whole Countreys of some of his Friends.*

Hence is it, that *Cicero* tells us, *Omni-*

Lib. 2. de Legibus. *Omnibus municipibus duas esse patrias, unam naturæ, Alteram Juris, Catonis exemplo, qui Tusculi natus, in populi Romani societatem susceptus est.*

Thus much of the several Courts that are within the verge of this most noble City of *London*; I come now to the Customs of the same place, of which I shall present but very few in this Treatise, and my Reason is, because I have written already of the Customs appertaining to this City, in a Tract, called *Speculum Juris Anglicani*, lately exposed to the publique view.

SECT.

SECT. XVI.

Of the Customs of the renowned City of London.

OF the Customs of this City, some have been approved of, in the Courts at *Westminster*; and some disallowed because of their unreasonableſs.

Customs allowed at the Courts of *Westminster* are such as these following. 1. *Customs allowed.*

Its a Custom of *London*, That in case a horse at an Inn, eats more, then he is worth, the same may be praiſed by the next Neigbour, and sold for the payment of the money. *More Reports Watbrooke ver. Griffith num. 1229. Bulstrods Reports 1. part. Mosse verſ. Townesend.*

Its a Custom of *London* to have *plegiis acquietandis sans fait*. Dyer 257. 370.

A Custom of *London*, to make Ordinances, and by Laws.

Its a Custom of the City, That the Lord Mayor may appoint a Citizen a place, in which he may erect his Taverne. *Pasch. 15. Car. in B. R. Marsh.* 15.

By

By the Custom of *London*, in every shop there is a Market all the dayes of the Week, saving Sundayes, and Holy-dayes.

5. E. 4. 30. By the Custom of *London*, if a Debtour become fugitive, he may be arrested before the day of payment.

Co. lib. 8. 5. Smellings case. It is a Custom of the City, that if one Citizen be indebted to another in a single Contract, it shall be equal to an obligation.

21. H. 7. 18. a. Its a Custom, that a Feme Covert, sole Merchant, shall be impleaded, and implead without her husband.

Thus much for Customs allowed in the Courts at *Westminster*.

2. Customs Disallowed. Customs of *London* pleaded, and disallowed by the Judges, are such these:

Plowd. Com. 243. b. 35, H. 6. 25. b. Davys Reports 33. b. le Case de Tenistry. A Custom of *London* pleaded, that he to whom goods are pledged shall reteine them, *Cujuscunque fuerint*, till he be satisfied of the sum for which they were pledged, this Custom was not held good; for this Custom shall not bind the King,

or

or his goods, that were pledged by a Stranges.

A Custom of *London*, to make Corporations, was held void; for the King only may do it by his prerogative. 29. Ass. pl. 8. le case de Whitawers.

Custom of *London* for an Abuse offered to an Alderman upon the Exchange, and commited thereupon, is not good. Cro. 1. part. Deans Case 689.

Debt for an Escape, and the party counts, that whereas he had a Judgement in Debt against one in *London*, and a *Capias ad satisfac.* against him, upon a *non est inventus* was returned, for which one of his suretyes being in Prison thereupon a plaint, under the Custody of the Defendant, was deteined in execution, *secundum Consuetudinem Civitatis prædict.* and after he escaped, &c. upon this the Defendant demurred: And one of the Causes of this Demurrer was, that the Custom was not good, for he ought to have a *scire facias* against the Baile; for it is unreasonable, to take him in execution without answer, for he might plead a Release of the Party, Cro. 1. part. Devered verf. Ratcliff Sheriff of London.

or

or that the principal is dead, and so discharge himself; and for this Cause the Custom by the Court of Kings Bench held unreasonable.

Qu. But the *Quære* may be, whether ill Customs (such as these, I have here named,) confirmed by Act of Parliament, be thereby made good, or not.

Resp. It is answered, that the Statutes, which confirm the Customs of *London* shall never be construed for the Ratification of any ill, or irrational, Custom, which has been made use of within the City of *London*; And this is agreable with the Interpretation of Mr *Horne*, whose words are these. *In point, que demand, que le City de Londres eit ses franchises, & ses franke Customes, est interpretable en cest manner, que les Citizens eient lour Franchises, dont ils sont inherit per loyall Title, de dones, & confirmements des Royes, & les queux ilz ne out forfeites per nul abusion, & que ilz eient lour franchises, & Customes, quæ sont sufferable per droit & nient repugnant al Ley*; And this very

very interpretation agreeth with divers of our later books (as *Plowd. Com.* f. 400. *Davys* Reports. *le case de Commenda* f. 75. b. *Co. Litt.* f. 381. b. 11. *H.* 7. 21. 45. *E.* 3. 26.) which prove, that the words of an Act of Parliament shall be taken in a Lawful, and Rightful sence.

SECT. XVII.

Of the Franchises, Liberties, ad singularities of the most glorious City of London.

THrough the special favour, and Indulgence of our Princes, the Kings of *England*, the Citizens of *London* have obtained very large, and great Immunities, or Privileges; of which some are given to the *Londoners* by Royal Charters; and some by the Royal Assent in Parliament.

T

1. *Of the Franchises, and Liberties that are derived to the Trenovants by Charters Royal.*

Privilege 1.

Omnes homines London *sint quieti, &*

Liberi, & omnes Res eorum per totam Angliam, & per portus maris de Theolonio & passagio, & ab omnibus aliis Consuetudinibus. Vide Chartam H. 1. de Libert. London.

Priviledge 2.

Hunting. King *H.* I. by his Charter granted for the Recreation of the Londoners, *Quod Cives London habeant fugationes suas ad fugandum, sicut melius, & plenius habuerunt Antecessores eorum, scil.* Silve, & Middlesex, & Suer. Co. 4. Inst. f. 314.

Priviledge 3.

Toll-free. King H. 3. Granted, that the Citizens of *London* should passe Toll-free, throughout *England.*

Priviledge 4.

Free-warren. In 11. *H.* 3. The King granted, and confirmed to the Citizens of *London* Free-warren, or Liberty to hunt a certain circuit about the City, in the warren of Stopes, &c.

Pri-

Priviledge 5.

King H. 3. granted to the City of London, *quòd nullus Civis faciat Duellum, & quod de placitis ad Coronam, pertinentibus, se possint disrationare, secundam antiquam consuetudinem Civitatis.* Citizens of *London*, no battel shall be gaged against any of them. *Co. 4. Inst.* 252. Duells.

A Citizen of *London* sued an Appeal of Robbery, the defendant gaged Battel, the plaintiff said, that he was a Citizen of *London*, that they have there such Franchise, that no battel shall be gaged against any of them, this extends to every particular Citizen. *Bulstrodes* Reports 3. part. f. 16. 21. *E.* 4. f. 12. & 27.

Priviledge 6.

In 11. *H.* 3. the King granted to the City of *London* this special, and rare Liberty.

Si illis qui pro tempore fuerint Vicecomites constituti aliquod delictum fecerint, unde misericordiam petunia debeant Sheriffs of London.

beant incurrere, non judicentur ad plus nisi ad miserecordiam vigint. Libr. & hoc sive damno aliorum Civium si Vicecomit. non sufficiantur ad miserecordiarum suam solutionem. Co. 4. Inst. 254.

Priviledge 7.

Election of a Mayor.

King *John* by his Letters granted to the Citizens of *London*, Liberty yearly to choose to themselves a Mayor. Co. 4. *Inst.* 253.

Priviledge 8.

Walls.

In the year 1282. King *Ed.* I. granted to *H. Waller* Mayor, and the Citizens of *London* to take toward the making of the wall, and inclosure of the City, certain Customs, or Toll, as appeareth by his grant. *Stow.*

Priviledge 9.

Mayor.

In the Reign of *Ric.* I. The Citizens of *London* obtained to have a Mayor to be their principal Governor, and Lieutenant of the City, as of the Kings Chamber. *Stow.*

Pri-

Priviledge 10.

For the repairing of *Biſhops-gate* *H.* 3. granted, and confirmed to the Merchants of Hanced, that had an Houſe in the City of *London*, called *Guildhalla Theutonicorum*, certain Liberties, and priviledges. *Stow.* *Biſhops-gate.*

Priviledge 11.

Kind *Ed.* III. granted, that the Lord Mayor ſhould be Juſtice for the Goal delivery at New-gate. *Stow.* *Juſtice of Oyer.*

Priviledge 12.

Ed. III. granted, that the Sergeants of the Lord Mayor ſhould bear Maces of ſilver. *Co.* 4. *Inſtit. f.* 252. *Maces.*

Priviledge 13.

Ed. III. granted, that no Eſcheator ſhould be in the City, but the Lord Mayor for his time. *Stow.* *Eſcheator.*

Privilege 14.

Clerks. Seal. King *H.* 3. granted that either Sheriff should have two Clerks, and two Sergeants; also that the Citizens should have a Common Seal. *Stow.*

Privilege 15.

It is a Liberty of *London* granted, *Quod nullus Civium sit implacitatus extra muros.*

Privilege 16.

Walls and Ditch. It was granted by *Ric.* II. That a Toll should be taken of the Wares, sold by Land, or by water, towards the Repairing of the walls, cleansing of the Ditch about *London. Stow.*

Privilege 17.

London Bridge King *John* gave certain void places in *London*, to build upon, the profits thereof to remain, towards the charges of rebuilding, and repairing of *London* Bridge. *Stow.*

Pri-

Priviledge 18.

By the patent of *Ed.* II. a Subsidy was granted towards the Amendment of *London* Bridge. *Stow.* *London Bridg.*

Priviledge 19.

In *H.* III. time, ships of the Ports arrested, and forced to bring their Corn to Queen Hithe, but the ships of the Citizens of *London* were at liberty to arrive where the owners would appoint them. *Corne brought into ports.*

Priviledge. 20.

Aldermen of *London* were used to be changed yearly but it was ordered in 28. *E.* 3. that they should not be removed, without special cause. *Stow.* *Aldermen.*

Priviledge 21.

Ed. III. in the 3. year of his Reign gave the Citizens of *London* License to take a Toll, towards the charge of paving the Borough of Southwark with stone. *Paving.*

Priviledge 22.

Physitians. King *H.* 8. by his Letters Patents erected a Body Corporate of Physick in *London*, and seven miles compass.

Priviledge 23.

Sales in gross. It was granted in some Kings Reign, that all Clothes, or other Merchandizes should not be sold in gross, but only to the Citizens of London.

Priviledge 24.

The City of *London* hath by the Kings Charter the soyle, and ground of the River of *Thames* granted to them, by vertue of which grant, the City at this day, receive Rents of them, that fix posts or make wharfes, or other Buildings upon the soyle of the said River. *Davys Reports le case de Royal Pischary.*

Priviledge 25.

Lands, &c. in South-wark. In the year 1550. King *E.* 6. granted to the Mayor and Commonalty, all his Lands, and Tenements in *Southwark*, except, and reserved the Capital Messuage,

ſuage, two Manſions, called Southwark place, and all the gardens, and Lands to the ſame appertaining, the Park, and Meſſuage, called the *Antelope*.

He gave them the Lordſhip, and Manor of Southwark with all members, & Rights thereof, late pertaining to the Monaſtery of *Bermondſey*. All meſſuages, places buildings Rents, Courts, waifs, and ſtrayes, to the ſame pertaining, in the County of *Surry*. He granted to them, in, and through the Borough and Town of *Southwark*, and in all the pariſhes of St *Savior*, St *Olave*, and St *George*, and the Pariſh of St. *Thomas* Hoſpital, and elſewhere in the ſaid Town, and Borough of Southwark, and Kentiſh ſtreet, Bermondſey ſtreet, in the Pariſh of *Newington*, all waifs, and ſtrays, Treaſure Trove, all felons goods, &c. within the Pariſhes, and precincts aforeſaid, &c. The Return of writs, proceſſes, and warrants, &c. Together with a Fair in the whole Town for three dayes, with a Court of Pypowders; a view of frankepledg, with Attachents, Arreſts; &c. *Alſo*, to arreſt all felons, & other Malefactors, within their precinct, and ſend them to ward, and to New-gate. *Stow*.

Pri-

Priviledge 26.

Bridewell. In the year 1553. *Ed.* 6. gave unto the Lord Mayor, Commonalty, and Citizens, his house of *Brid-well*, and 700. marks Land, late of the possessions of the house of the Savoy, and all the Bedding, and other furniture of the said Hospital of the Savoy towards the maintenance of the said work-house of *Brid-well*, and the Hospital of St. *Thomas* in Southwark. *Stow.*

Privilidge 27.

Sheriffs. King *John* gave the City of *London* Authority to chuse, and deprive their Sheriffs at their pleasure. *Stow.*

Priviledge 28.

Prisage. The Citizens of *London* are by a Charter of King *Ed.* 3. excepted from paying of prisage.

Touching this Franchise or Liberty of Prisage I shall present to the Reader these resolutions, shewing who shall be a reputed Citizen, and who not, as to the being exempted of paying Prisage.

A Question was in the Court of Exchequer

Exchequer 44. *Eliz.* If a Citizen of *London*, that had not a family, and did not pay Scot, and Lot, but sojourne in another house, shall have the benefit of the Kings Charter? In the argument of the case, *Coke*, then Attorney General, put this difference of Citizens, *viz.* That there was

A Citizen { *Nomine.* / *Re.* / *Re, & nomine*;

It was said, that a Citizen *Re, & nomine.* He, that is a Freeman of *London*, and an Inhabitant, and one that paid Scot, and Lot there, shall be discharged of prisage by the said Charter, &c. *Davys Reports le Case de Customs f.* 10. *b.*

He that is to have benefit, and advantage of this Charter, ought to be *integre Civis*, and an intire Citizen, as it was adjudged in 4. *H.* 6. in one *Knowls* case, a Citizen, and Free-Grocer of *London*, removed his house-hold *cum pannis*, and did dwell at *Bristol*, but yet kept his shop at *London*, and he, having a ship laden with wines, which was unladen in the port of *London*, would have had the benefit of this Charter of discharge of prisage; But it was ruled against

against him; for that he was not such a Citizen as was capable of this discharge; for that he ought to be *Civis*, *Incola*, *Commorans*. 4. *H.* 6. *Knowls Case*.

14. *H.* 6. &c. A private Act of Parliament: Complaint was made, that the Lord Mayor would make strangers Citizens; it was there declared, that this benefit to be discharged from payment of prisage, did not extend unto such Citizens as were *Dotati*, made free, but unto those Citizens only, which are *Commorant*, *Incolant*, and *Residant* within the City.

A person disfranchised before the arrival of his ship, shall lose the benefit of prisage, he was intitled to at the lading; and a person made free after the lading shall have the benefit of discharge.

Bulstrodes Reports 3. *part*. The King, and Sir *Thomas Waller* vers. *Francis Hanger*.

A Woman cannot be capable of this Immunity, though a Citizen; to what end say I; She cannot bear *Civilia*, or *publica onera* of the City; she cannot doe any thing for the benefit of the City; she cannot perform Watch, and Ward;

Ward; she can bear no office in the City; neither can she be of any of the Companies; she cannot be an *Attorney*; she may be a Free-Woman, but this is only to have her will (as many so have) but to no other purpose.

Thus much of the Franchises granted to the *Londoners* by Charters Royal, and such as are allowed to be good, & agreable to the Laws of *England*; I shall now put a Case, or two of such singularities, or Priviledges as have been adjudged to be contrary to the freedom, of the subject, and consequentially the Kings grants are deemed void in Law.

King *H.* 6. granted to the Corporation of Dyers within *London*, power to search, &c. and if they found any Cloth died with Logge wood, that the Cloth should be forfeit: and it was adjudged this Charter concerning the forfeiture, was against the Law of the Land.

For no forfeiture can grow by Letters Patent. *Co. lib.* 8. *Trin.* 41. *Eliz. f.* 125. *le Case de Londres.*

So the Company of Merchant Taylors of *England*, having power by their Charter to make Ordinances, made

Co. 2. Inſt. 47. Br. 41. Eliz. coram Rege Rot. 92. in Tr. inter Davent & Hurdes.

made an Ordinance, that every Brother of the ſame Society ſhould put the one half of his Clothes to be dreſſed by ſome Cloth-worker free of the ſame Company; upon pain to forfeit 10 s. &c. and it was adjudged that this Ordinance was againſt Law, becauſe it was againſt the Liberty of the Subject, for every ſubject hath freedom to put his Clothes to be dreſſed by whom he will, *& ſic de ſimilibus*: And ſo it is, if ſuch, or the like grant had been made by his Letters Patents.

Trin. 44. Eliz. Coram Rege Co. lib. 11 fol. 84. & 85 &c. Edward Darties Caſe.

So if a grant ſhould be made to a *Londoner*, to have the ſole making of Cards, or the ſole dealing with any other Trade, that grant is againſt the Liberty, and freedom of the Subject, that before did, or lawfully might have uſed that trade and conſequently is againſt the Great Charter of *England*.

Hitherto of franchiſes granted by the Charters of the Kings of *England*; we proceed to thoſe that have been given to the Citizens of *London* by our Kings in their ſeveral Parliaments.

2. *Of*

2. *Of the Franchises, Liberties, or Singularities, which the* Londoners *have obtained from the favor of our Kings in the high Court of Parliament.*

Singularity 1.

King *Athelstan* in his Laws or Constitutions, appointing, how many Mint-Masters should be in each City, alloweth 8. to *London*, and not so many to any other City. *Mint-Masters.*

Singularity 2.

King *H.* 1. in his Laws, commandeth that no Citizen of *London* shall be amerced above 100 s. for any pecuniary pain. *Amerciament.*

Singularity 3.

It is granted to the Citizens of *London*, that the Lords of Rents in *London* may recover them by a writ of Gavelet. 10. *E.* 2. *Gavelet.*

Sin-

Singularity 4.

Warr. The King granted, that the Citizens of *London* should not be constrained to go out of the City to any War, and that the Liberties of this City should not for any cause whatsoever be taken into the Kings hands *Rot. Parl. 1. E. 3. Authoritate Parliamenti.*

Singularity. 5.

Erroneous Judgment. It is enacted, that the Statute of 28. *E.* 3. c. 10. shall not extend to any erroneous judgment given, or to be given in the City of *London. Parl.* 7. *R.* 2. *nu.* 26.

Singularity 6.

Aldermen. The Aldermen of *London* shall not be hereafter elected yearly, but remain, until they be put out for reasonable cause. 17. R. 2. c. 11.

Singularity 7.

Mault. The Lord Mayor, and Aldermen may

may reform the defaults of Victuallers. *Victuallers.*
7. *R.* 2. *c.* 11. *vide* 31. *E.* 3. *c.* 10.

Singularity. 8.

Mault.

Mault sold to *London* shall be cleansed from *Dust.* 17. *R.* 2. c. 3.

Singularity 9.

It is Enacted in the Reign of *R.* 2. That the Mayor, and Chamberlain of *London*, shall have the keeping of all the Lands, and goods of such Orphans, as happen within the City. *Guardian-ship of Orphans*

Singularity 10.

The Mayor of *London* shall redress such Errors, Defaults, and Misprisons, notoriously used in the same City. 1. H. 4. c. 15. *Redressing of Errours.*

Singularity 11.

The Stat. of *Ed.* 4. c. 2. doth not extend to the Sheriffs of *London*, as touching Indictments and Presentments. *Sheriffs of London.*

Singularity 12.

Wares. Citizens, and Freemen of *London*, may carry their wares to any Fairs, or Markets throughout *England*. 3. *H.* 7. c. 9.

Singularity 13.

Butchers. Butchers shall kill no beasts in *London*. 11. *H.* 7. c. 21.

Singularity 14.

Scavage, or Shewage. By the Stat. of 9. H. 7. c. 8. no scavage, or shewage shall be paid in any place, but it shall be taken by the Mayor, and Sheriffs of *London*.

Singularity 15.

Sewars. The Mayor of *London*, and his Successors have like Authority in all issues, Breaches, ground over flown, as far as the water ebbeth, and floweth, grown out of the River of *Thames*, as touching the punishment for using unlawful nets, and engines, as his Lordship

ſhip hath within this ſaid River 4. *H.* 7. c. 15.

Singularity 16.

For all iſſues forfeited by Jurors in the Mayors Court, it is lawful for his Lord-ſhip, and his Succeſſors, to diſtrein, and the ſame diſtreſs detain, until he, or they be ſatisfied of the ſaid iſſues. 4. *H.* 8. c. 3. *Iſſue forfeited*

Singularity 17.

All Strangers within two miles of *London* ſhall be under the Reformation of the Wardens of Handy Crafts within the City of *London*. 15. and 16. *H.* 8. c. 2. *Warden: of Handy-Crafts.*

Singularity 18.

Wardens of Cowpers ſhall ſearch, &c. and gage all manner of Barrells, &c. For *Ale*, *Soap*, to be put to ſale within 2. miles compaſs, without the Suburbs of the City of *London*. 23. H. 8. c. 4. *Wardens of Cowpers.*

Singularity 19.

Jurors. A *Londoner* returned upon a Jury to the Courts at *Westminster*, having goods to the value of 40. marks, shall be sworn; and do, in all such Juries, in every thing, as other persons may do, having Lands, or Tenements of the yearly value of forty shillings. 4. H. 8. c 3. & 5. H. 8. c. 5.

Singularity 20.

Oyles. By the Stat. of 4. H. 8. c. 14. It is Enacted, that the Mayor of the City of *London* may search oyle, in the City of *London*, and punish all such as sell false oyle.

Singularity 21.

Paving. The Lord Mayor of *London* may set fines upon those, which do not pave or repair any street, or Land, 32. H. 8. c. 17.

Sin-

Singularity 22.

Woods growing within the compass of 22. miles from, and about *London*, or the Suburbs of the same, shall not be felled, to be converted to Coals, for making of Iron works 23. *Eliz.* c. 5. *Woods.*

Singularity 23.

The Mayor in the Reign of *Edward* 3. procured an Act of Parliament, that no known Whore should wear any hood, or attire on her head, except reyed, and striped Cloth of divers Colours. *Whores.* *Vide Daniels History f.* 243.

If this Law should now be put in force I am afraid; there would be very few black hoods worne.

Note, the *Athenian* Law was, *Meretrices vestres indutæ sunto.* *Florida.*

Singularity 24.

By the Stat. of 1. *Jac.* c. 19. the ancient officer of *London*, called the Garbler of Spices hath authority at all, and every time, and times, in the day time to enter into shops, ware-houses, *Garbler of London.*

or Cellar to view, and search Drugges, and Spices, &c. and to garble, and make them clean.

Singularity 25.

Wares. All wares from hence forth shall be utterly put down by *Thames* and Medway. 9. *E.* 3. c. 22.

Singularity 26.

Damages. King *E.* 1. Of his grace granted unto the Citizens of *London*, that whereas before times they, that were disseized of freehold in the same City, could not recover their damages, before the coming of the Justices to the Tower, that from hence forth the Disseizees shall have damages by Recognizance of the same Assize, whereby they recovered their Lands. 6. *E.* 1. c. 14.

Singularity 27.

Salmons. By the Stat. of 20. *R.* 2. c. 9. it is enacted, that the Mayor, or Warden of *London* shall have the Conservation of the Stat. touching *Salmons* (viz. 13. *E.* 1. c. 47. 13. *R.* 2. c. 19.) in the waters

waters of *Thames*, from the Bridge of *Stane* to *London*, and from thence over the ſame water, and in the water of Medway.

Singularity 28.

In 12. R. 2. c. 13. There is a puniſhment ordained for him, which ſhall caſt corruption into any place near the City of *London*. *Corruption.*

Singularity 29.

In the 13. & 14. year of the Reign of the King, (our moſt Gracious and Serene Soveraign) that now is, there was an Act made for Repairing of High wayes, and for paving, and keeping clean ſtreets, &c. in and about the City of *London*; and by that Act it is ordained, that the Lord Mayor, Recorder, and Aldermen ſhall be joynt Commiſſioners in exerciſing all the powers of this ſaid Act, within the City, and Liberties thereof. *Higwayes and ſtreets.*

Singularity 30.

Curriers

In the Stat. of 14. of this Kings Reign (which was enacted for the restraining the exportation of Leather, and Raw Hides out of the Realm) it is ordered, that the Master, and Wardens of the Company of Curriers shall enter into any Ware-house, &c. within the City of *London*, or 3. miles of the same City, belonging to any of the Cordwayners, &c. to search for, and seize, all such Leather, intended to be prohibited, to be used, by a clause in the said Act, &c.

Singularity 31.

Imposition on Coals for building of Cathedral, &c. Churches.

In the 19. year of the same King there was an Act made for the Rebuilding of the City of *London*, and for the further enabling the Lord Mayor, &c. to perform all the works mentioned in the said Law; It is ordained, that for all sorts of Coals, which shall be brought into the Port of *London*, shall be paid by way of Imposition thereupon, *viz.* For such sort of Coals as were usually sold

sold by the Chauldron the sum of 12. pence, and for such sort of Coales as are sold by the Tun the like sum of 22. pence. And likewise in 22 year of his Majesties Reign it was enacted, that there should be paid for every Chauldron, or sum of Coales, two shillings over, and beside the aforesaid Imposition of 12d. for the Rebuilding Cathedral, and Parochial Churches, within the City of *London*; His Majesties beloved and native City, towards which his Royal Heart hath been so gratious, and so full of Princely designs, to inprove its Honour, Wealth and Beauty.

Having thus attempted to present to the Courteous Readers view some of those Notable, Rare, and Special Liberties, and Priviledges, that the Citizens of *London* have, and do claim by vertue of Charters Royal, and Acts of Parliament, I shall now come to a conclusion of this small, and slender Treatise with a Rehearsal of some of the Statutes, both conservant, and confirmant, appertaining to this most glorious, and most renowned City of *London*.

Amongst the Acts of Parliament, that are

Statutes Conservant or saving. are called preserving, or saving Laws viz. of the Liberties, belonging to *London*, take these following, *&c.*

3. E. 4. c. 4. The liberties of great Saint *Martins* in *London* reserved by the Statute of 3. *E.* 4. c. 4. touching Marchandizes.

7. H. 4. c. 17. The Citizens of *London* may take Apprentices, according to their old Custom notwithstanding the Stat. of 7. *H.* 4.

19. H. 7. c. 23. By the Stat. of 19. *H.* 7. c. 23. All Acts made in Derogation of the Merchants of Stillyard are void, provided that the Statute shall not prejudice the Liberties of *London*.

5. Eliz. c. 4. In the Stat. of 5. *Eliz.* touching Apprentices there is a *proviso*, that the Act shall not be prejudicial to the City of *London*, or priviledges of the same City.

1. Jac. c. 21. In the Stat. of 1. *Jac.* touching Sale of goods purloyned in *London*, &c. Is a *proviso*; that the said Act shall not be prejudicial to the ancient Trade of of Brokers, within the City of *London*, &c. or other trades within the said City, and Liberties of the same, being setled, as it is mentioned in the said Act.

In the 12. of the King that now is, it was enacted in the Stat. touching Wards

Wards, and Liveries, that the Act shall not extend, to alter, or prejudice the Custom of the City of *London* concerning Orphans.

In the 14. year of his Majesties Reign there is a Law made for preventing Abuses in printing; in which Act there is this *proviso*, that this said Act shall not extend to prohibit any Book-Seller, who hath served 7. years, and is Free of the Company of Stationers of *London*, from importing into the Realm any Books ready bound, not formerly prohibited.

Amongst the Statutes, that have been enacted for the strengthning, and confirming of the Customs and Liberties of *London*, there are 3. of them most notorious; one enacted in the Reign of *H.* 3. Another, in the time of *E.* 3. And a third made in the dayes of *R.* 2. *Statutes Confirmant.*

In the Reign of H. 3. it was enacted in these words. *sc. Civita. London habeat omnes Libertates suas antiquas & Consuetudines suas*, the City of *London* shall have all the old Liberties, and Customs, which it hath been used to have.

In the Reign of *Ed.* 3. it was ordained, that the Liberties of this City shall

shall not for any cause be taken into the King Hands. *Rot. Parl.* 1. *E.* 3. *authoritate Parliamenti.*

In the Reign of *R.* 2. there is a most beneficial Statute made which no other Corporation hath; it is enacted that the Citizens of *London* shall enjoy all their whole Liberties whatsoever with this Clause, *licet usi non fuerunt, vel abusi fuerunt*, and notwithstanding any Statute to the contrary, &c. *Lege Statutum*; for by this Act the City of *London* may clayme Liberties by proscription, Charter, or Parliament, notwithstanding any Stat. mad before 7. *R.* 2.

Co. 4. Inst. f. 250.

Note; the most gracious, and Royal Concession of his late Majesty (the most glorious Martyr, that willingly died for the preservation of established Religion and Laws) at *Newport* was, *That an Act be passed for granting, and confirming, the Charters, Customs, Liberties, and Franchises of the City of* London, *notwithstanding any Non-user, Misuser, or Abuser.*

I have no more to say, in honour of this City, but only to conjure the Inhabitants thereof for all these singular tokens

tokens of the Liberal favour and good likeing of our Princes, to honour, and obey their King, that now is, and to say with me, their fellow subject, *scil.*

VIVAT REX, *ac Maximè floreat Triplex Corona Serenissimi, Potentissimi, Sacratissimique Principis nostri, Caroli à Carolo.*

FINIS.

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